

33/parts 125-199/990

code of federal regulations

Navigation and
Navigable Waters

33

PARTS 125 TO 199
Revised as of July 1, 1990



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Navigation and Navigable Waters

33

PARTS 125 TO 199

Revised as of July 1, 1990

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AS OF JULY 1, 1990

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As of July 1, 1990
Title 33, Parts 1 to 199,
Revised as of July 1, 1989
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Title 33, Parts 1 to 124
and
Title 33, Parts 125 to 199

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Cite this Code: CFR

***To cite the regulations in
this volume use title,
part and section
number. Thus, 33 CFR
125.01 refers to title 33,
part 125, section 01.***

Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

ISSUE DATES

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

- Title 1 through Title 16.....as of January 1
- Title 17 through Title 27.....as of April 1
- Title 28 through Title 41.....as of July 1
- Title 42 through Title 50..... as of October 1

The appropriate revision date is printed on the cover of each volume.

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The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

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The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires Federal agencies to display an OMB control number with their information collection request. Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

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III). A list of CFR Titles, Chapters, and Parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of "Title 3—The President" is carried within that volume.

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MARTHA L. GIRARD,

Director,

Office of the Federal Register.

July 2, 1990.

THIS TITLE

Title 33—NAVIGATION AND NAVIGABLE WATERS is composed of three volumes. The contents of these volumes represent all current regulations codified under this title of the CFR as of July 1, 1990. The first and second volumes, Parts 1-124 and 125-199, contain current regulations of the Coast Guard, Department of Transportation. The third volume, Part 200 to End, contains current regulations of the Corps of Engineers, Department of the Army, and the Saint Lawrence Seaway Development Corporation, Department of Transportation.

In the second volume a subject index for Subchapter N—Outer Continental Shelf Activities follows the subchapter in Parts 140-147. Redesignation tables also appear in the Finding Aids section of the first, second, and third volumes.

For this volume, Kent H. Giles was Chief Editor. The Code of Federal Regulations publication program is under the direction of Richard L. Claypoole, assisted by Alomha S. Morris.

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Cross REFERENCES: United States Customs Service, Department of the Treasury: 19 CFR Chapter I.

Coast Guard regulations relating to shipping: 46 CFR Chapter I.

Federal Communications Commission: Stations on shipboard in the maritime services: 47 CFR, Part 80.

Coast Guard, DOT

Maritime Administration, Department of Transportation: 46 CFR Chapter II.
Federal Maritime Commission: 46 CFR Chapter IV.

NOTE: Other regulations issued by the Department of Transportation appear in Titles 14, I; 23, I, II; 44, IV; 33, I, IV; 46, I, II, III; 48, Chapter 12, and 49 Subtitle A, I, II, III, IV, V, and VI.

ABBREVIATIONS: The following abbreviations are used in this chapter:

BMC—Chief Boatswain's Mate. **CGFR**—Coast Guard Federal Register document number. **CG**—Coast Guard. **EM**—Electrician's Mate. **LS**—Lightship. **NC**—Flag hoist meaning, "I am in distress and require immediate assistance." **NCG**—Call letters for any Coast Guard Shore Radio Station. **OAN**—Aids to Navigation Division. **TIP**—Training and Procurement. **U.S.C.G.**—United States Coast Guard.

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- 125.01 Commandant.
- 125.03 District Commander.
- 125.05 Captain of the Port.
- 125.06 Western rivers.
- 125.07 Waterfront facility.
- 125.08 Great Lakes.
- 125.09 Identification credentials.
- 125.11 Form of Coast Guard Port Security Card.
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- 125.51 Replacement of lost Coast Guard Port Security Card.
- 125.53 Requirements for credentials; certain vessels operating on navigable waters of the United States (including the Great Lakes and Western Rivers).
- 125.55 Outstanding Port Security Card Applications.
- 125.57 Applications previously denied.

AUTHORITY: R.S. 4517, 4518, secs. 19, 2, 23 Stat. 58, 118, sec. 7, 49 Stat. 1936, sec. 1, 40 Stat. 220; 46 U.S.C. 570-572, 2, 689, 50 U.S.C. 191, EO 10173, EO 10277, EO 10352, 3 CFR, 1949-1953 Comp. pp. 356, 778, 873.

SOURCE: CGFR 56-15, 21 FR 2940, May 3, 1956, unless otherwise noted.

§ 125.01 Commandant.

The term "Commandant" means Commandant of the Coast Guard.

§ 125.03 District Commander.

The term "District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

§ 125.05 Captain of the Port.

The term "Captain of the Port" means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within the general proximity of the port in which he is situated.

§ 125.06 Western rivers.

The term "western rivers" as used in the regulations in this subchapter shall include only the Red River of the North, the Mississippi River and its tributaries above the Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

[CGFR 57-52, 22 FR 10301, Dec. 30, 1957]

§ 125.07 Waterfront facility.

The term "waterfront facility," as used in this subchapter, means all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

§ 125.08 Great Lakes.

The term "Great Lakes" as used in the regulations in this subchapter shall include the Great Lakes and their connecting and tributary waters.

[CGFR 57-52, 22 FR 10301, Dec. 30, 1957]

§ 125.09 Identification credentials.

The term "Identification credentials," as used in this subchapter, means any of the following:

Coast Guard, DOT

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(a) Coast Guard Port Security Card (Form CG 2514).

(b) Merchant Mariner's Document.

(c) Armed Forces Identification Card.

(d) Identification credentials issued by Federal Law enforcement and intelligence agencies to their officers and employees (e. g., Department of the Treasury, Department of Justice, Federal Communications Commission).

(e) Identification credentials issued to public safety officials (e. g., police, firemen) when acting within the scope of their employment.

(f) Such other identification as may be approved by the Commandant from time to time.

(CGD 56-15, 21 FR 2940, May 3, 1956, as amended by CGD 77-228, 43 FR 53427, Nov. 16, 1978)

§ 125.11 Form of Coast Guard Port Security Card.

The Coast Guard Port Security Card issued by the Coast Guard under the provisions of this subchapter shall be a laminated card bearing photograph, signature, fingerprint, and personal description of the holder, and other pertinent data.

§ 125.12 Period of validity of Coast Guard Port Security Cards.

(a) The Coast Guard Port Security Card (Form CG-2514) shall be valid for a period of eight years from the date of issuance thereof unless sooner suspended or revoked by proper authority. On the first day after eight years from the date of issuance, the Coast Guard Port Security Card (Form CG-2514) is hereby declared invalid and shall be considered null and void for all purposes.

(b) The holder of a Coast Guard Port Security Card, which is about to expire or has expired, may apply for a new Coast Guard Port Security Card in accordance with the procedures set forth in § 125.21. In the event the applicant's Coast Guard Port Security Card has expired, such card shall accompany the application for a new Coast Guard Port Security Card. In the event the applicant is holding a valid Coast Guard Port Security Card at the time he submits his application for a new card, such person shall sur-

render the old or expired Coast Guard Port Security Card at the time he is issued a new Coast Guard Port Security Card. In the event the old Coast Guard Port Security Card was lost, stolen, or destroyed, then the applicant shall comply with the provisions in § 125.51, regarding the replacement of a lost Coast Guard Port Security Card and the new card issued as a replacement for a lost card which has expired or is about to expire shall bear a current issuance date.

(CGFR 58-52, 23 FR 9751, Dec. 18, 1958)

§ 125.13 Captain of the Port Identification Cards.

Captain of the Port Identification Cards issued under the form designation "Form CG 2514" prior to the revision of August 1950 were declared invalid by a notice published in the FEDERAL REGISTER on September 11, 1946 (11 FR 10103), which declaration is hereby reaffirmed.

§ 125.15 Access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein.

(a) The Commandant will, from time to time, direct Captains of the Port of certain ports to prevent access of persons who do not possess one or more of the identification credentials listed in § 125.09 to those waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, where the following shipping activities are conducted:

(1) Those vital to the Military Defense Assistance Program.

(2) Those pertaining to the support of U.S. military operations.

(3) Those pertaining to loading and unloading explosives and other dangerous cargo.

(4) Those essential to the interests of national security and defense, to prevent loss, damage or injury, or to insure the observance of rights and obligations of the United States.

(b) No person who does not possess one of the identification credentials aforesaid shall enter or remain in such facilities, or port or harbor areas, including vessels and harbor craft therein.

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(c) The Captain of the Port shall give local public notice of the restriction of access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, as far in advance as practicable, and shall cause such facilities and areas to be suitably marked as to such restriction.

[CGFR 56-15, 21 FR 2940, May 3, 1956, as amended by CGFR 58-43, 23 FR 8542, Nov. 1, 1958]

§ 125.17 Persons eligible for Coast Guard Port Security Cards.

(a) Only the following persons may be issued Coast Guard Port Security Cards:

(1) Persons regularly employed on vessels or on waterfront facilities.

(2) Persons having regular public or private business connected with the operation, maintenance, or administration of vessels, their cargoes, or waterfront facilities.

(b) A holder of a Merchant Mariner's Document shall not be issued a Port Security Card, unless his Merchant Mariner's Document is surrendered to the Coast Guard. In this connection, see § 125.09.

[CGFR 62-39, 27 FR 11259, Nov. 15, 1962, as amended by CGD 77-228, 43 FR 53427, Nov. 16, 1978]

§ 125.19 Standards.

Information concerning an applicant for a Coast Guard Port Security Card, or a holder of such card, which may preclude a determination that his character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, shall relate to the following:

(a) Advocacy of the overthrow or alteration of the Government of the United States by unconstitutional means.

(b) Commission of, or attempts or preparations to commit, an act of espionage, sabotage, sedition or treason, or conspiring with, or aiding or abetting another to commit such an act.

(c) Performing, or attempting to perform, duties or otherwise acting so as to serve the interests of another gov-

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ernment to the detriment of the United States.

(d) Deliberate unauthorized disclosure of classified defense information.

(e) [Reserved]

(f) Having been adjudged insane, having been legally committed to an insane asylum, or treated for serious mental or neurological disorder, without evidence of cure.

(g) Having been convicted of any of the following offenses, indicative of a criminal tendency potentially dangerous to the security of such waterfront facilities and port and harbor areas, including vessels and harbor craft therein; arson, unlawful trafficking in drugs, espionage, sabotage, or treason.

(h) Drunkenness on the job or addiction to the use of narcotic drugs, without adequate evidence of rehabilitation.

(i) Illegal presence in the United States, its territories or possessions; having been found finally subject to deportation order by the United States Immigration and Naturalization Service.

[CGFR 56-15, 21 FR 2940, May 3, 1956, as amended by 37 FR 23422, Nov. 3, 1972]

§ 125.21 Applications.

(a)(1) Application for a Coast Guard Port Security Card shall be made under oath in writing and shall include applicant's answers in full to inquiries with respect to such matters as are deemed by the Commandant to be pertinent to the standards set forth in § 125.19, and to be necessary for a determination whether the character and habits of life of the applicant are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States.

(2) The application also shall include applicant's complete identification, citizenship record, personal description, military record, if any, and a statement of the applicant's sponsor certifying the applicant's employment or union membership and that applicant's statements are true and correct to the best of sponsor's knowledge.

(3) The application shall be accompanied by two unmounted, dull finish photographs, 1 inch x 1½ inches, of passport type, taken within one year of the date of application. The photograph shall show the full face with the head uncovered and shall be a clear and satisfactory likeness of the applicant. It shall portray the largest image of the head and upper shoulders possible within the dimensions specified.

(4) Fingerprint records on each applicant shall be taken by the Coast Guard at the time application is submitted.

(5) The applicant shall present satisfactory proof of his citizenship.

(6) The applicant shall indicate the address to which his Coast Guard Port Security Card can be delivered to him by mail. Under special circumstances the applicant may arrange to call in person for the Coast Guard Port Security Card.

(7) The applicant shall present his application, in person, to a Coast Guard Port Security Unit designated to receive such applications. Such units will be located in or near each port where Coast Guard Port Security Cards are required. Each Captain of the Port shall forward promptly to the Commandant each application for a Coast Guard Port Security Card received by him.

(b) If an applicant fails or refuses to furnish the required information or to make full and complete answer with respect to all matters of inquiry, the Commandant shall hold in abeyance further consideration of the application, and shall notify the applicant that further action will not be taken unless and until the applicant furnishes the required information and fully and completely answers all inquiries directed to him.

[CGPR 59-63, 25 FR 1589, Feb. 24, 1960]

§ 125.23 United States citizens.

Acceptable evidence of United States citizenship is described in this section in the order of its desirability; however, the Coast Guard will reject any evidence not believed to be authentic;

(a) Birth certificate or certified copy thereof.

(b) Certificate of naturalization. This shall be presented by all persons claiming citizenship through naturalization.

(c) Baptismal certificate or parish record recorded within one year after birth.

(d) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date and place of birth.

(e) United States passport.

(f) A commission in one of the armed forces of the United States, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of the armed forces subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(g) A continuous discharge book, or Merchant Mariner's Document issued by the Coast Guard which shows the holder to be a citizen of the United States.

(h) If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship if no one of the requirements in paragraphs (a) through (g) of this section can be met by the applicant and in the absence of any collateral facts indicating fraud in its procurement.

(i) If no one of the requirements in paragraphs (a) through (h) of this section can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Suitland, Md. 20233. In making such request, definite information must be furnished the Census Bureau as to the place of residence when the first census was taken after the birth of the applicant, giving the name of the street and the number of the house, or other identification of place where living, etc.; also names of parents or the names of

§ 125.25

other persons with whom residing on the date specified.

(2) School records, immigration records, or insurance policies (the latter must be at least 10 years old).

§ 125.25 Aliens.

Alien registration records together with other papers and documents which indicated the country of which the applicant is a citizen shall be accepted as evidence of citizenship in a foreign nation.

§ 125.27 Sponsorship of applicant.

Applications for a Coast Guard Port Security Card shall not be accepted unless sponsored. The applicant shall be sponsored by an authorized official of applicant's employer or by an authorized official of applicant's labor union. Each company and each labor union concerned shall file with the appropriate Captain of the Port a list of officials of the company or union who are authorized to sponsor applicants. Other sponsorship may be accepted where the circumstances warrant.

§ 125.29 Insufficient information.

(a)(1) If, in the judgment of the Commandant, an application does not contain sufficient information to enable him to satisfy himself that the character and habits of life of the applicant are such to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft herein, would not be inimical to the security of the United States, the Commandant may require the applicant to furnish, under oath in writing or orally, such further information as he deems pertinent to the standards set forth in § 125.19 and necessary to enable him to make such a determination.

(2) If an applicant fails or refuses to furnish such additional information, the Commandant shall hold in abeyance further consideration of the application, and shall notify the applicant that further action will not be taken unless and until the applicant furnishes such information.

(b) Upon receipt, the application and such further information as the Commandant may have required shall be referred, except in those instances

where action on an application is held in abeyance pursuant to § 125.21(b) or to paragraph (a)(2) of this section, to a committee composed of a representative of the Legal Division, of the Merchant Vessel Personnel Division and of the Intelligence Division, Coast Guard Headquarters. The committee shall prepare an analysis of the available information and shall make recommendations for action by the Commandant.

[CGFR 59-63, 25 FR 1589, Feb. 24, 1960]

§ 125.31 Approval of applicant by Commandant.

(a) If the Commandant is satisfied that the character and habits of life of the applicant are not such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would be inimical to the security of the United States, he will direct that a Coast Guard Port Security Card be issued to the applicant.

(b) If the Commandant is not satisfied that the character and habits of life of the applicant are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he will notify the applicant in writing as provided for in § 125.35.

§ 125.33 Holders of Coast Guard Port Security Cards.

(a) Whenever the Commandant is not satisfied that the character and habits of life of a holder of a Coast Guard Port Security Card are such as to warrant the belief that his presence on waterfront facilities and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he will request the holder to furnish, under oath in writing, such information as he deems pertinent and necessary for a determination on this issue.

(b) If the holder fails or refuses to furnish such information within thirty (30) days after receipt of the Commandant's request, the Commandant may

issue the written notice provided for in § 125.35(a).

(c) The holder's failure or refusal to furnish such information shall preclude a determination that the holder's character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States.

(d) Upon receipt of such information as the Commandant may have required, the procedure prescribed in § 125.29(b) shall be followed.

(e) If the Commandant is satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall notify the holder accordingly.

(f) If the Commandant is not satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall notify the holder in writing as provided for in § 125.35.

[CGFR 59-63, 25 FR 1589, Feb. 24, 1960]

§ 125.35 Notice by Commandant.

(a) The notice provided for in §§ 125.31 and 125.33 shall contain a statement of the reasons why the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States. Such notice shall be as specific and detailed as the interests of national security shall permit and shall include pertinent information such as names, dates, and places in such detail as to permit reasonable answer.

(b) The applicant or holder shall have 20 days from the date of receipt of the notice of reasons to file written answer thereto. Such answer may in-

clude statements or affidavits by third parties or such other documents or evidence as the applicant or holder deems pertinent to the matters in question.

(c) Upon receipt of such answer the procedure prescribed in § 125.29(b) shall be followed.

(d) If the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or, in the case of a holder, notify him accordingly.

(e) If the Commandant is not satisfied that the applicant's or holder's character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall refer the matter to a Hearing Board for hearing and recommendation in accordance with the provisions of this part.

§ 125.37 Hearing Boards.

The Commandant may establish a Hearing Board in each Coast Guard District. The Commandant shall designate for each Hearing Board a Chairman, who shall be, so far as practicable, an officer of the Coast Guard. The Commandant shall designate, so far as practicable, a second member from a panel of persons representing labor named by the Secretary of Labor, and a third member from a panel of persons representing management named by the Secretary of Labor.

§ 125.39 Notice by Hearing Board.

Whenever the Commandant refers a matter to a Hearing Board, the Chairman shall:

(a) Fix the time and place of the hearing;

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(b) Inform the applicant or holder of the names of the members of the Hearing Board, their occupations, and the businesses or organizations with which they are affiliated, of his privilege of challenge, and of the time and place of the hearing;

(c) Inform the applicant or holder of his privilege to appear before the Hearing Board in person or by counsel or representative of his choice, and to present testimonial and documentary evidence in his behalf, and to cross-examine any witnesses appearing before the Board; and

(d) Inform the applicant or holder that if within 10 days after receipt of the notice he does not request an opportunity to appear before the Hearing Board, either in person or by counsel or representative, the Hearing Board will proceed without further notice to him.

§ 125.41 Challenges.

Within five days after receipt of the notice described in § 125.39 the applicant or holder may request disqualification of any member of the Hearing Board on the grounds of personal bias or other cause. The request shall be accompanied by an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. The affidavit may be supplemented by an oral presentation if desired. If after due consideration the Chairman believes a challenged member is qualified notwithstanding the challenge, he shall notify the person who made the challenge and arrange to proceed with the hearing. If the person who made the challenge takes exception to the ruling of the Chairman, the exception and data relating to the claim of disqualification shall be made a matter of record. If the Chairman finds that there is reasonable ground for disqualification he shall furnish the person who made the challenge with the name of an alternate in lieu of the challenged member and arrange to proceed with the hearing. In the event the Chairman is challenged, he shall forthwith notify the Commandant, furnishing the grounds for the claim of disqualification, and the Commandant shall act upon the challenge in accordance with the foregoing procedure.

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In addition to the right to challenge for cause, a person who has requested a hearing shall have two peremptory challenges, one challenge for the management member and one challenge for the labor member of the Hearing Board. Should the management member be so challenged, the person who made the challenge may elect to have the management member replaced by another management member or by a member not representing either management or labor; if the member peremptorily challenged represents labor, the person who made the challenge may elect to have the labor member replaced by another labor member or by a member not representing either management or labor.

§ 125.43 Hearing procedure.

(a) Hearings shall be conducted in an orderly manner and in a serious, businesslike atmosphere of dignity and decorum and shall be expedited as much as possible.

(b) The hearing shall be in open or closed session at the option of the applicant or holder.

(c) Testimony before the Hearing Board shall be given under oath or affirmation.

(d) The Chairman of the Hearing Board shall inform the applicant or holder of his right to:

(1) Participate in the hearing;

(2) Be represented by counsel of his choice;

(3) Present witnesses and offer other evidence in his own behalf and in refutation of the reasons set forth in the Notice of the Commandant; and

(4) Cross-examine any witnesses offered in support of such reasons.

(e) Hearings shall be opened by the reading of the Notice of the Commandant and the answer thereto. Any statement and affidavits filed by the applicant or holder may be incorporated in the record by reference.

(f) The Hearing Board may, in its discretion, invite any person to appear at the hearing and testify. However, the Board shall not be bound by the testimony of such witness by reason of having called him and shall have full right to cross-examine the witness. Every effort shall be made to produce

material witnesses to testify in support of the reasons set forth in the Notice of the Commandant, in order that such witnesses may be confronted and cross-examined by the applicant or holder.

(g) The applicant or holder may introduce such evidence as may be relevant and pertinent. Rules of evidence shall not be binding on the Hearing Board, but reasonable restrictions may be imposed as to the relevancy, competency and materiality of matters considered. If the applicant or holder is, or may be, handicapped by the non-disclosure to him of confidential sources, or by the failure of witnesses to appear, the Hearing Board shall take the fact into consideration.

(h) The applicant or holder or his counsel or representative shall have the right to control the sequence of witnesses called by him.

(i) The Hearing Board shall give due consideration to documentary evidence developed by investigation, including membership cards, petitions bearing the applicant's or holder's signature, books, treatises or articles written by the applicant or holder and testimony by the applicant or holder before duly constituted authority.

(j) Complete verbatim stenographic transcription shall be made of the hearing by qualified reporters and the transcript shall constitute a permanent part of the record. Upon request, the applicant or holder or his counsel or representative shall be furnished, without cost, a copy of the transcript of the hearing.

(k) The Board shall reach its conclusion and base its determination on information presented at the hearing, together with such other information as may have been developed through investigation and inquiries or made available by the applicant or holder.

(l) If the applicant or holder fails, without good cause shown to the satisfaction of the chairman, to appear personally or to be represented before the Hearing Board, the Board shall proceed with consideration of the matter.

(m) The recommendation of the Hearing Board shall be in writing and shall be signed by all members of the Board. The Board shall forward to the

Commandant, with its recommendation, a memorandum of reasons in support thereof. Should any member be in disagreement with the majority a dissent should be noted setting forth the reasons therefor. The recommendation of the Board, together with the complete record of the case, shall be sent to the Commandant as expeditiously as possible.

§ 125.45 Action by Commandant.

(a) If, upon receipt of the Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or, in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall:

(1) In the case of an applicant, notify him that a Coast Guard Port Security Card will not be issued to the applicant, or,

(2) In the case of a holder, revoke and require the surrender of his Coast Guard Port Security Card.

(c) Such applicant or holder shall be notified of his right, and shall have 20 days from the receipt of such notice within which, to appeal under this part.

§ 125.47 Appeals.

(a) The Commandant shall establish at Coast Guard Headquarters, Washington, D.C., an Appeal Board to hear appeals provided for in this part. The Commandant shall designate for the Appeal Board a Chairman, who shall be so far as practicable, an officer of

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the Coast Guard. The Commandant shall designate, so far as practicable, a member from a panel of persons representing management nominated by the Secretary of Labor, and a member from a panel of persons representing labor nominated by the Secretary of Labor. The Commandant shall insure that persons designated as Appeal Board members have suitable security clearance. The Chairman of the Appeal Board shall make all arrangements incident to the business of the Appeal Board.

(b) If an applicant or holder appeals to the Appeal Board within 20 days after receipt of notice of his right to appeal under this part, his appeal shall be handled under the same procedure as that specified in § 125.39, and the privilege of challenge may be exercised through the same procedure as that specified in § 125.41.

(c) Appeal Board proceedings shall be conducted in the same manner as that specified in § 125.43.

§ 125.49 Action by Commandant after appeal.

(a) If, upon receipt of the Appeal Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Appeal Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall notify the applicant or holder that his appeal is denied.

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§ 125.51 Replacement of lost Coast Guard Port Security Card.

(a) Any person whose Coast Guard Port Security Card has been stolen, lost, or destroyed shall report that fact to a Coast Guard Port Security Unit or Captain of the Port as soon thereafter as possible.

(b) A person who has lost a Coast Guard Port Security Card may apply for a replacement card by submitting "An Application for Replacement of Lost Port Security Card" (Form CG 2685A) to a Coast Guard Port Security Unit. A replacement will be issued only after a full explanation of the loss of the Coast Guard Port Security Card is made in writing to the Coast Guard and after a full check is made and authorization is granted by the Commandant.

(c) Any person to whom a Coast Guard Port Security Card has been issued as a replacement for a lost card, shall immediately surrender the original card to the nearest Coast Guard Port Security Unit or Captain of the Port if the original card should be recovered.

§ 125.53 Requirements for credentials; certain vessels operating on navigable waters of the United States (including the Great Lakes and Western Rivers).

(a) Every person desiring access to vessels, except public vessels, falling within any of the categories listed below, as a master, person in charge, or member of the crew thereof, shall be required to be in possession of one of the identification credentials listed in § 125.09.

(1) Towing vessels, barges, and lighters operating in the navigable waters of the continental United States other than the Great Lakes and Western Rivers.

(2) Harbor craft, such as water taxis, junk boats, garbage disposal boats, bum boats, supply boats, repair boats, and ship cleaning boats, which in the course of their normal operations service or contact vessels, foreign or domestic, public or merchant, in the navigable waters of the continental United States other than the Great Lakes and Western Rivers.

(b) The term "master, person in charge, or member of the crew" shall be deemed to include any person who serves on board in any capacity concerned with the operation, maintenance, or administration of the vessel or its cargo.

(c) Where the Coast Guard Port Security Card (Form CG 2514) is to be used as the identification required by paragraph (a) of this section, application for such card may be made immediately by the persons concerned. The issuance of the Coast Guard Port Security Card shall be in the form and manner prescribed by § 125.11.

(d) At the discretion of the District Commander any person desiring access to vessels of the categories named in this section, who may be required by the provisions hereof to possess identification credentials, may be furnished a letter signed by the District Commander or the Captain of the Port and this letter shall serve in lieu of a Coast Guard Port Security Card and will authorize such access for a period not to exceed 60 days, and such a letter issued shall be deemed to be satisfactory identification within the meaning of § 125.09. The issuance of the letter shall be subject to the following conditions:

(1) The services of the person are necessary to avoid delay in the operation of the vessel;

(2) The person does not possess one of the identification credentials listed in § 125.09.

(3) The person has filed his application for a Coast Guard Port Security Card or submits his application before the letter is issued; and,

(4) The person has been screened by the District Commander or Captain of the Port and such officer is satisfied concerning the eligibility of the applicant to receive a temporary letter.

[CGFR 56-15, 21 FR 2540, May 3, 1956, as amended by CGFR 58-51, 21 FR 9339, Nov. 30, 1956]

§ 125.55 Outstanding Port Security Card Applications.

A person who has filed an application for a Coast Guard Port Security Card and who did not receive such a document prior to May 1, 1956, shall submit a new application in accordance with the requirements of this part.

ance with the requirements of this part.

[CGFR 61-54, 26 FR 11862, Dec. 12, 1961]

§ 125.57 Applications previously denied.

A person who has been denied a Coast Guard Port Security Card before May 1, 1956, may file a new application for such a document in accordance with the requirements of this part.

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

Sec.

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- 126.33 Penalties for handling dangerous cargo without permit.
- 126.35 Primary responsibility.
- 126.37 Separability.

AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46 (b)(4).

§ 126.01 General definitions.

"Commandant" means the Commandant of the United States Coast Guard.

"Captain of the Port (COTP)" means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within an assigned area.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

"Net tons" means the net weight of a materials in tons.

"Net weight" means a measure of weight referring only to the contents of a package, tank or container and does not include the weight of any packaging material, or containing devices.

"Waterfront facility" means all piers, wharves, docks, and similar structures to which a vessel may be secured; areas of land, water, or land and water under and in immediate proximity to them; buildings on such structures or contiguous to them and equipment and materials on such structures or in such buildings. This term does not include facilities directly operated by the Department of Defense.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.05 Designated waterfront facility.

(a) Designated waterfront facility. The term "designated waterfront facility" means a waterfront facility designated by § 126.13 for the handling and storage of, and for vessel loading and discharging of: any flammable or combustible liquid in bulk, except methane, (46 CFR Parts 30-38); any hazardous material subject to the Dangerous Cargoes Regulations in 46 CFR Parts 146 and 148; and any hazardous material subject to the Hazardous Materials Regulations (49 CFR Parts 170-179), except for those materials preceded by an "A" in the Hazardous Materials Table, 49 CFR Part 172.101.

(b) "Facility of particular hazard" means a designated waterfront facility that is authorized to handle a cargo of particular hazard, as defined in § 126.10.

[CGD 78-023, 44 FR 4642, Jan. 22, 1979, as amended by CGD 78-238, 44 FR 63675, Nov.

5, 1979; CGD 75-238, 45 FR 57393, Aug. 28, 1980; CGD 78-038, 53 FR 3376, Feb. 7, 1988]

§ 126.07 Dangerous cargo.

The term "dangerous cargo" means all explosives and other hazardous materials or cargo covered by—

(a) Dangerous Cargoes, 46 CFR Parts 146 and 148;

(b) Tank Vessels, 46 CFR Parts 30-38; or

(c) Hazardous Materials, 49 CFR Parts 170-179, except for those materials preceded by an "A" in the Hazardous Materials Table, 49 CFR 172.101.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.09 Designated dangerous cargo.

The term "designated dangerous cargo" means Explosives (commercial or military), Class A, as classified in 46 CFR Part 146 and 49 CFR Part 172.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.10 Cargo of particular hazard.

"Cargo of particular hazard" means any of the following:

(a) Class A explosive as defined in 46 CFR 146.10-7 and 49 CFR 173.53.

(b) Oxidizing material or blasting agent for which a permit is required under 49 CFR 176.415.

(c) Highway route controlled quantity radioactive material, as defined in 49 CFR 173.403(1), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.455(a)(3).

(d) The following cargoes when carried in bulk:

Acetaldehyde
Acetone Cyanohydrin
Acrylonitrile
Allyl Chloride
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Carbon Disulfide
Chlorine
Chlorosulfonic Acid
Dimethylamine
Epichlorohydrin
Ethane
Ethylene
Ethylene Oxide
Ethyl Ether
Methyl Acetylene, Propadiene Mixture, Stabilized

Coast Guard, DOT

Methyl Bromide
Methyl Chloride
Motor Fuel Antiknock Compounds Contain-
ing Lead Alkyls
Oleum
Phosphorous, Elemental
Propane
Propylene
Propylene Oxide
Sulfur Dioxide
Toluene Diisocyanate
Vinyl Chloride
Vinyl Ethyl Ether

[CGD 75-238, 45 FR 57394, Aug. 28, 1980, as amended by CGD 84-039, 50 FR 8613, Mar. 4, 1985; CGD 78-038, 53 FR 3376, Feb. 7, 1988]

§ 126.11 Waiver authority based on local or unusual conditions.

Whenever the Commandant, the District Commander, or the Captain of the Port finds that the application of any provisions contained in §§ 126.15 and 126.16 is not necessary to the safety or security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, the Commandant, the District Commander, or the Captain of the Port may waive compliance with such provision, to the extent and under such requirements as they determine.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.13 Designation of waterfront facilities.

(a) Waterfront facilities which fulfill the conditions required in § 126.15, unless waived under provisions of § 126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the civil or criminal

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penalties provided in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232).

[CGFR 57-52, 22 FR 10302, Dec. 20, 1957, as amended by CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.15 Conditions for designation as designated waterfront facility.

The conditions referred to in § 126.13 for designation of a waterfront facility for the purpose of handling, storing, stowing, loading, discharging, or transporting of dangerous cargo shall be as follows:

(a) *Guards.* That guards are provided by the owner or operator of the waterfront facility for the protection thereof in such numbers and of such qualifications as to assure adequate surveillance, prevent unlawful entrance, detect fire hazards, and check the readiness of protective equipment.

(b) *Smoking.* That smoking is prohibited on the waterfront facility except at such portions thereof as may be designated by the owner or operator thereof: *Provided*, That smoking in such areas shall only be permitted in accordance with local ordinances and regulations and that signs are conspicuously posted marking such authorized smoking areas and that "No Smoking" signs are conspicuously posted elsewhere on the waterfront facility.

(c) *Welding or hot work.* Oxyacetylene or similar welding or burning or other hot work including electric welding or the operation of equipment is prohibited on waterfront facilities or on vessels moored thereto, during the handling, storing, stowing, loading, discharging, or transporting of explosives. Such work may not be conducted on waterfront facilities or vessels moored thereto while either the facility or vessel is handling, storing, stowing, loading, discharging, or transporting dangerous cargo without the specific approval of the Captain of the Port.

(d) *Trucks and other motor vehicles.* That trucks and other motor vehicles are not permitted to remain or park upon the waterfront facility except under the following conditions:

(1) When actually awaiting opportunity to load or discharge cargo, ship supplies, or passengers and is attended by a driver.

(2) When loading or discharging tools, equipment or materials incident to maintenance, repair, or alterations and is attended by a driver.

(3) When the vehicle is headed toward an unimpeded exit and is attended by a driver.

(4) When a vehicle is handled and stored as an item of cargo.

(5) When parking areas are designated and permitted in accordance with local ordinances and regulations and provided no fire lanes are blocked nor exits impeded by their presence, passenger vehicles may be parked in such portions of the waterfront facility as may be designated and marked off by the owner or operator.

(e) *Pier automotive equipment.* That tractors, stackers, lift trucks, hoisters and other equipment driven by internal combustion engines used on the waterfront facility are of such construction and condition and free from excess grease, oil, or lint as not to constitute a fire hazard; that each unit of such equipment is provided with an approved type fire extinguisher attached, except where waterfront facilities are provided with fire extinguishers approved by the Captain of the Port, as being adequate in numbers, type and location for additional protection of pier automotive equipment; that, when not in use, such equipment is stored in a safe manner and location; that gasoline or other fuel used for such equipment is stored and handled in accordance with accepted safe practices and is not stored on the waterfront facility, except in conformity with paragraph (g) of this section; and that refueling of such equipment or any vehicle is prohibited on any pier or wharf within the waterfront facility.

(f) *Rubbish and waste materials.* That the waterfront facility is free from rubbish, debris, and waste materials. Burning rubbish in an open fire on a waterfront facility is prohibited.

(g) *Maintenance stores and supplies.* That supplies classified as dangerous by the provisions of the Hazardous Materials Regulations (49 CFR 170-

179) except those materials preceded by an "A" in the Hazardous Materials Table, 49 CFR 172.101, to be used in connection with operation or maintenance of the property or facility, are not stored on any pier or wharf within the waterfront facility and are not stored elsewhere on the waterfront facility except in amounts necessary for normal current operating conditions; that these supplies are stored in a compartment remote from combustible material, constructed so as to be readily accessible and provide safe storage; that storage compartments are kept clean and maintained free of scrap materials, empty containers, soiled wiping rags, waste, and other debris; that covered metal containers are provided for disposal of used wiping cloths and are emptied at the end of each working day; and that clothing lockers are maintained clean and orderly and properly ventilated.

(h) *Electric wiring.* That new installations of electric wiring and equipment are made in accordance with accepted safe practices (conformity with the requirements of the National Electric Code (current edition) and the requirements of applicable local regulations shall be deemed evidence of compliance with such accepted safe practices); that materials, fittings, and devices are of type and character approved for the intended use by Underwriters Laboratories, Inc., Associated Factory Mutual Laboratories, or United States National Bureau of Standards; that existing electric wiring is maintained in a safe condition, free of defects or modifications which may cause fire or personal injury; that defective or dangerous wiring, equipment, and devices are permanently disconnected from sources of energy.

(i) *Heating equipment and open fires.* That heating equipment is safely installed and maintained in good operating condition; that adequate clearances to prevent undue heating of nearby combustible materials are maintained between heating appliances, chimneys, stove pipes, gas vents, or other heat producing elements, and any combustible material of the floor, walls, partitions or roofs that in general, clearances are such that continuous operation of the heat

producing device at full capacity will not increase the temperature of nearby woodwork more than 90° above the ambient temperature; that, where necessary to prevent contact with movable combustible materials, heating appliances are enclosed or screened; that spark arresters are provided on chimneys or appliances burning solid fuel used in locations where sparks constitute a hazard to nearby combustible materials. Open fires or fires in barrels, drums, or similar apparatus are prohibited. (As a guide to safe installation of heating equipment, the appropriate chapters of the National Board of Fire Underwriters Building Code (current edition) are recommended.)

(j) *Fire extinguishing equipment.* That fire extinguishing appliances are made available in adequate quantities, locations, and types; that first aid fire appliances are installed and maintained in accordance with accepted safe practices (conformity with the requirements prescribed in the current "Standards for the Installation, Maintenance and Use of Portable Fire Extinguishers," issued by the National Fire Protection Association, shall be deemed evidence of compliance with such accepted safe practices); that fire extinguishing equipment, fire alarm systems and devices, and fire doors and other safety equipment are maintained in good operating condition at all times; that provision is made so that, when hazards arise which require such precaution, emergency hose lines will be led out and other emergency fire-fighting equipment will be placed immediately adjacent to such hazards.

(k) *Marking of fire appliance locations.* That the locations of all fire appliances, including hydrants, standpipe and hose stations, fire extinguishers, and fire alarm boxes, are conspicuously marked; and that ready accessibility to such appliances is maintained.

(l) *Lighting.* That subject to applicable dimout and blackout regulations, such waterfront facility is adequately illuminated during the handling, storing, stowing, loading, discharging or transporting of dangerous cargo thereon; and that kerosene and gasoline

lamps and lanterns are not used on such waterfront facility.

(m) *Arrangement of cargo, freight, merchandise or material.* That cargo, freight, merchandise or material is arranged on the waterfront facility according to the individual structure of such facility, in a manner to permit complete access for the purpose of fire extinguishment; that, except on facilities used primarily for the transfer of railroad or highway vehicles to or from cargo vessels and carfloats; cargo, freight, merchandise or other material is placed on the waterfront facility in accordance with the following:

(1) At least two feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, or other material piles and both sides of the walls of the waterfront facility, fire walls or fire stops in enclosed waterfront facilities. This distance shall be measured from the most prominent projection of the wall such as studding, bracings, or other obstructions that are part of the structure. In an unenclosed facility, 2 feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise or other materials and the sides of the pier.

(2) Inflammable or combustible cargo, freight, merchandise or material, not including bulk cargo, shall not be tiered higher than 12 feet. All cargo, freight, merchandise or other materials including inflammable or combustible cargo, freight, merchandise or materials shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structural members of not less than 36", and between such upper level and sprinkler heads a clearance of at least 12" shall be maintained.

(3) There shall be maintained at least four feet of clear and open operating space around any fire alarm box, standpipe, fire hose, sprinkler valve, fire door, deck hatch, or first-aid fire appliance.

(4) When first-aid fire appliances, alarm boxes, other safety equipment or deck hatches are located in a space

surrounded by cargo, freight, merchandise, or other materials, there shall be maintained a straight, free, and open space at least three feet in width running therefrom to the center aisle. This space shall be kept clear of all rubbish, dunnage, and other obstruction.

(5) A main aisle of at least twenty feet in width shall be maintained the entire length of the waterfront facility if control of fire requires trucks to come on the pier. The aisle may be reduced to eight feet in width if such access by fire trucks is not required.

(6) Cross aisles, at least five (5) feet wide and straight shall be maintained at intervals not exceeding seventy-five (75) feet, and extending to the side of the waterfront facility.

(n) *Adequacy of guarding, fire extinguishing equipment, and lighting.* That the word "adequate", as used in paragraphs (a), (j), and (l) of this section with respect to guarding, fire extinguishing equipment, and lighting, respectively, means that determination which a reasonable person would make under the circumstances of the particular case. Unless there is gross noncompliance, the judgment and determination of the operator of the facility will be acceptable as fulfilling the requirements unless and until the Captain of the Port inspects the facility and notifies the operator thereof in writing in what respect the guarding, fire extinguishing equipment, or lighting, is deemed inadequate and affords such operator an opportunity to correct the deficiency.

(o) *Control of liquid cargo transfer systems.* When performing bulk liquid and liquefied gas dangerous cargo transfer operations, the waterfront facility cargo transfer system shall be subject to the following conditions:

(1) The cargo transfer system in use shall be under the continuous control and surveillance of the waterfront facility owner or operator or his assigned representative, who shall be considered as the person in charge of the shoreside transfer operation. The person in charge of the shoreside transfer operation must be trained in, and capable of performing competently, the necessary operations which relate to the transfer of the specific

cargo. The Captain of the Port shall be furnished satisfactory documentary evidence to this effect.

(2) Prior to the transfer of cargo, the person in charge of the shoreside transfer operation shall insure that the following conditions exist:

(i) Warning signs are displayed on the facility at the point of transfer facing shoreline and facing each way along the shoreline, without obstruction, at all times during the coupling, transfer operation, and uncoupling. The warning signs shall conform to 46 CFR 151.45-2(e)(1) or 46 CFR 153.955.

(ii) Proper precautions are taken to insure that no repair work on the transfer system or receiving tanks is carried on during cargo transfer, and that the provisions of paragraph (c) of this section are complied with.

(iii) Where fixed sumps or troughs are not installed, adequate pans or buckets are placed under cargo hose connections during coupling, uncoupling, and cargo transfer.

(iv) Suitable material is used in joints and in couplings when making connections to insure that they are tight and leak free.

(v) Sufficient bolts are used in bolted couplings to prevent leakage.

(vi) That the person in charge of transfer operations on the vessel (including a barge), tank car or tank truck reports ready for transfer of cargo.

(vii) Has in his possession a cargo information card for the specific cargo to be transferred. The information card shall conform to the specifications of 46 CFR 151.45-2(e)(3) (unmanned barges) or 46 CFR 153.907 (self-propelled vessels) and shall list all of the following items:

(a) Cargo identification characteristics.

(b) Emergency procedures.

(c) Firefighting procedures.

(viii) Obtains a Declaration of Inspection from tank ships and assures himself that the condition of the vessel is as stated in the Declaration of Inspection in accordance with 46 CFR 35.35-30.

(3) When transferring cargo to or from a vessel (including a barge), tank car, or tank truck, the person in charge of the shoreside transfer oper-

ation in addition to complying with the provisions of paragraph (c)(2) of this section shall maintain a means of communications with the person in charge of transfer operations on board the vessel (including a barge), tank car, or tank truck, in order to provide immediate notification to secure the transfer system and cargo flow when necessary. Such communication may be by vocal, visual, or electronic means. If electronic means are used, the equipment shall be suitable for the hazard involved.

(4) The person in charge of the shoreside transfer system shall not start cargo transfer operations or, if started, shall discontinue transfer under any of the following conditions:

(i) During severe electrical storms.

(ii) If a fire occurs on the facility or in the vicinity.

(iii) If a break occurs in the cargo transfer system.

(iv) If requested by the person in charge of the receiving end of the transfer operation.

(5) The person in charge of the shoreside transfer operation shall control the shoreside operation as follows:

(i) When transferring cargo from a facility:

(a) Supervise the operation of cargo system valves;

(b) Notify the person in charge of the receiving end of the transfer that the facility is ready to start the transfer;

(c) In coordination with the person in charge of the receiving end of the transfer operation, start the transfer of cargo slowly;

(d) Maintain cargo connections to prevent leakage;

(e) Observe operating pressure in the cargo system; and

(f) Stand ready to secure the transfer system when necessary or when requested to do so by the person in charge of the receiving end of the transfer operation.

(ii) When transferring cargo from a vessel (including a barge), tank car, or tank truck to the facility:

(a) Supervise the operation of cargo system valves;

(b) Maintain cargo connections to prevent leakage;

(c) Observe rate of flow for the purpose of avoiding overflow of tanks or overload of the transfer system; and

(d) Secure the transfer system only after advising the person in charge of transfer operations aboard the vessel (including a barge), tank car, or tank truck of intent to do so.

(6) When transfer operations are completed, the hoses on the water-front facility shall be drained and the piping shall be secured to prevent cargo spillings.

(7) Cargo handling equipment shall be maintained in good operating condition at all times.

(i) Cargo hose shall not be used in a transfer operation in which the pressure is such that leakage of cargo occurs through the body of the hose.

(ii) Cargo pump systems shall be tested at least once each year to determine that they function satisfactorily at or below the maximum allowable pressure of the safety relief valves, cargo piping or hose, or maximum pump output pressure.

(iii) Cargo pump pressure gages shall be calibrated at least once a year.

(iv) The cargo hose and piping shall be hydrostatically tested at least once each year to $1\frac{1}{4}$ times its maximum allowable working pressure. The maximum allowable working pressure shall be stenciled on the cargo hoses and piping.

(v) Cargo hose shall not be used with a cargo piping system whose maximum allowable working pressure exceeds that of the hose. The maximum allowable working pressure of a system is defined as the setting of the associated relief valves or the maximum available pressure including hydraulic shock of a system without relief valves.

(vi) Relief valve operation shall be checked at the time of each system hydrostatic test.

(vii) The dates and results of all testing shall be recorded, and made available to the Captain of the Port upon request. Records may be kept in a log book; or on metal tags attached to the apparatus; or by some similar means.

(viii) The escape piping of cargo system relief valves shall return the product to the supply or other suitable receiver.

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(ix) At facilities where incompatible cargoes are handled, the hoses and systems shall be suitably marked to specify the allowance products.

(8) In case of emergencies nothing in these regulations shall be construed to prevent the person in charge of the shoreside transfer operation from pursuing the most effective action in his judgment to rectify the conditions causing the emergency.

[CGFR 51-37, 16 FR 8677, Aug. 28, 1951]

EDITORIAL NOTE: FOR FEDERAL REGISTER citations affecting § 126.15, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 126.16 Conditions for designating a "facility of particular hazard."

(a) *Basic requirements.* The facility shall comply with all the conditions in § 126.15 except where specifically waived by § 126.11.

(b) *Warning alarms.* Warning alarms shall be installed at the waterside of such a facility to warn approaching or transiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms shall be of the siren type, or the emergency rotating flashing light type, and be of sufficient intensity to be heard, or seen, a distance of 1 mile during normal facility working conditions. The alarm signal shall not conflict with local municipal prescription.

[CGFR 67-93, 32 FR 20774, Dec. 23, 1967]

§ 126.17 Permits required for handling designated dangerous cargo.

Designated dangerous cargo may be handled, loaded, discharged, or transported at any designated waterfront facility only if a permit therefor has been issued by the Captain of the Port. This permit requirement may be waived, at the discretion of the Captain of the Port, when such cargoes are contained within railroad cars or highway vehicles which are moved on or across a waterfront facility used primarily for the transfer of railroad cars or highway vehicles to or from a railroad or highway vehicle ferry or carfloat; provided such designated cargoes are not removed from, or placed in, the railroad car or highway vehicle

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while it is in or on such waterfront facility.

[CGFR 58-43, 23 FR 8542, Nov. 1, 1958]

§ 126.19 Issuance of permits for handling designated dangerous cargo.

(a) Upon the application of the owners or operators of a designated waterfront facility or of their authorized representatives, the Captain of the Port is authorized to issue a permit for each transaction of handling, loading, discharging, or transporting designated dangerous cargo at such waterfront facility provided the following requirements are met:

(1) The facility shall comply in all respect with the regulations in this subchapter.

(2) The quantity of designated dangerous cargo, except military explosives shipped by or for the Armed Forces of the United States, on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

(3) The quantity of designated dangerous cargo consisting of military explosives shipped by or for the Armed Forces of the United States on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness as established by the Captain of the Port. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

[CGFR 53-27, 18 FR 5348, Sept. 3, 1953]

§ 126.21 Permitted transactions.

All permits issued pursuant to § 126.19 are hereby conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) No amount of designated dangerous cargo, except military explosives shipped by or for the Armed Forces of the United States, in excess of the

maximum quantity established by local, municipal, territorial, or State authorities shall be present on the waterfront facility and vessels moored thereto.

(c) Designated dangerous cargo shall not be brought onto the waterfront facility from shore except when laden within a railroad car or highway vehicle and shall remain in such railroad car or highway vehicle except when removed as an incident of its prompt transshipment. Designated dangerous cargo shall not be brought onto the waterfront facility from a vessel except as an incident of its prompt transshipment by railroad car or highway vehicle.

(d) No other dangerous cargo shall be on the waterfront facility during the period of transactions involving designated dangerous cargo, unless its presence is authorized by the Captain of the Port. This shall not apply to maintenance stores and supplies on the waterfront facility in conformity with § 126.15(g).

[CGFR 53-27, 18 FR 5348, Sept. 3, 1953]

§ 126.23 Termination or suspension of permits.

Any permit issued pursuant to § 126.19 shall terminate automatically at the conclusion of the transaction for which the permit has been issued and may be terminated, or suspended, prior thereto by the Captain of the Port whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension by the Captain of the Port shall be given to the permittee in writing.

[CGFR 51-37, 16 FR 8679, Aug. 28, 1951]

§ 126.25 Penalties for handling designated dangerous cargo without permit.

Handling, loading, discharging, or transporting any designated dangerous cargo without a permit, as provided under § 126.17, being in force, will subject persons responsible therefore to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. 1232).

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.27 General permit for handling dangerous cargo.

A general permit is hereby issued for the handling, storing, stowing, loading, discharging or transporting of dangerous cargo (other than designated dangerous cargo) in bulk, portable tanks, containers, or packagings, at designated waterfront facilities, conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) The following classes of hazardous materials classified as dangerous for transportation by vessel as listed in the Hazardous Materials Regulations Table (49 CFR 172.101), in the amounts specified, shall not be handled, stored, stowed, loaded, discharged, or transported, except when contained within railroad or high vehicles being transported across or on waterfront facilities used primarily for the transfer of railroad or highway vehicles to or from a railroad car ferry or highway vehicle ferry, or carfloats, without prior notification to the Captain of the Port:

(1) Explosives, Class B, in excess of 1 net ton at any one time.

(2) Explosives, Class C, in excess of 10 net tons at any one time.

(3) Flammable liquids, in excess of 10 net tons at any one time.

(4) Flammable solids or oxidizers, in excess of 100 net tons at any one time.

(5) Flammable gases, in excess of 10 net tons at any one time.

(6) Poisons (Class A).

(7) A bulk shipment of a cargo of particular hazard as defined in § 126.10(d).

(8) A bulk shipment of a cargo of particular hazard, as defined in § 126.10(d).

(c) Explosives or other dangerous cargo prohibited from or not permitted for transportation by 45 CFR Parts 146 and 148 or 49 CFR Parts 70-179 shall not be present on the waterfront facility.

(d) Flammable liquids and compressed gases shall be so handled and stored as to provide maximum separation from acids, corrosive liquids, or combustible materials. Storage for

flammable solids or oxidizers shall be so arranged as to prevent moisture coming in contact therewith.

(e) Acids and corrosive liquids shall be so handled and stored as to prevent such acids and liquids, in event of leakage, from contacting any organic materials.

(f) Poisonous gases, poisonous liquids, and poisonous solids shall be so handled and stored as to prevent their contact with acids, corrosive liquids, flammable liquids or flammable solids.

(g) Dangerous cargo which may be stored on the waterfront facility shall be arranged in such manner as to retard the spread of fire. This may be accomplished by interspersing dangerous cargo with inert or less combustible materials.

(h) All dangerous cargo stored on the waterfront facility shall be packaged, marked, and labeled in accordance with 49 CFR Parts 170-179.

(i) Storage of all radioactive materials shall be so arranged as to preclude a gamma radiation in excess of 200 milliroentgens per hour or physical equivalent at any readily accessible surface.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979, as amended by CGD 75-238, 44 FR 63676, Nov. 5, 1979; CGD 75-238, 45 FR 57394, Aug. 28, 1980]

§ 126.28 Ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate; general provisions.

(a) When any item of ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate, described and defined as an oxidizer by the regulations of 49 CFR Part 173 is handled, stored, stowed, loaded, discharged or transported on a waterfront facility, the following provisions shall apply:

(1) All outside containers shall be marked with the proper shipping name of the nitrate packed within the container.

(2) The building on a waterfront facility used for storage of any of these materials shall be of such construction as to afford good ventilation.

(3) Storage of any of these materials shall be at a safe distance from elec-

tric wiring, steam pipes, radiators or any heating mechanism.

(4) These materials shall be separated by a fire resistant wall or by a distance of at least 30 feet from organic materials or other chemicals and substances which could cause contamination such as flammable liquids, combustible liquids, corrosive liquids, chlorates, permanganates, finely divided metals, caustic soda, charcoal, sulfur, cotton, coal, fats, fish oils or vegetable oils.

(5) Storage of any of these materials shall be in a clean area upon clean wood dunnage, or on pallets over a clean floor. In the case of a concrete floor, storage may be made directly on the floor if it is first covered with a moisture barrier such as a polyethylene sheet or asphaltic laminated paper.

(6) Any spilled material shall be promptly and thoroughly cleaned up and removed from the waterfront facility. If any spilled material has remained in contact with a wooden floor for any length of time the floor shall be scrubbed with water and all spilled material shall be thoroughly dissolved and flushed away.

(7) An abundance of water for fire-fighting shall be readily available.

(8) Open drains, traps, pits or pockets which could be filled with molten ammonium nitrate if a fire occurred (and thus become potential detonators for the storage piles) must be eliminated or plugged.

NOTE: See 49 CFR 176.415 for permit requirements for nitro carbo nitrate and certain ammonium nitrates.

[CGD 78-023, 44 FR 4644, Jan. 22, 1979]

§ 126.29 Supervision and control of dangerous cargo.

(a) *Authority.* The Captain of the Port is authorized to require that any transaction of handling, storing, stowing, loading, discharging, or transporting the dangerous cargo covered by this subchapter shall be undertaken and continued only under the immediate supervision and control of the Captain of the Port or his duly authorized representative. In case the Captain of the Port exercises such authority, all directions, instructions, and orders of

the Captain of the Port or his representative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging, and transporting; with respect to the operation of the waterfront facility; with respect to vessels handling, stowing, loading, or discharging of dangerous cargo at anchorages when the operations are under the immediate control and supervision of the Captain of the Port or his duly authorized representative; with respect to the ingress and egress of persons, articles, and things and to their presence on the waterfront facility or vessel; and with respect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

(b) *Reporting discharge of dangerous liquid commodities into the waters of the United States.* To enhance the safety of the port and to protect vessels, their cargo, and waterfront facilities therein, the discharge into the navigable waters of the United States of petroleum products, petroleum by-products or other dangerous liquid commodities which may create a hazard or toxic condition in the port area will be immediately reported to the Captain of the Port or District Commander by the owner or master of the vessel from which the discharge occurred, or the owner or operator of a waterfront facility from which the discharge occurred.

[CGFR 69-89, 34 FR 17478, Oct. 29, 1969]

§ 126.31 Termination or suspension of general permit.

The Captain of the Port is hereby authorized to terminate or to suspend the general permit granted by § 126.27 in respect to any particular designated waterfront facility whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension shall be given to the permittee in writing. After such termination, the general permit may be revived by the District Commander with respect to such particular waterfront facility upon a finding by him that the cause of termination no longer exists and is unlikely to recur. After such suspension, the general permit shall be revived by the

Captain of the Port with respect to such particular waterfront facility when the cause of suspension no longer exists, and he shall so advise the permittee in writing.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951, as amended by CGFR 69-89, 34 FR 17479, Oct. 29, 1969]

§ 126.33 Penalties for handling dangerous cargo without permit.

Handling, storing, stowing, loading, discharging, or transporting any dangerous cargo covered by § 126.27 under circumstances not covered by the general permit granted in § 126.27 or when such general permit is not in force will subject persons responsible therefor to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. sec. 1232).

[CGD 78-023, 44 FR 4644, Jan. 22, 1979]

§ 126.35 Primary responsibility.

Nothing contained in the rules, regulations, conditions, and designations in this part shall be construed as relieving the masters, owners, operators, and agents of vessels, docks, piers, wharves, or other waterfront facilities from their primary responsibility for the security of such vessels, docks, piers, wharves, or waterfront facilities.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

§ 126.37 Separability.

If any provision of the rules, regulations, conditions, or designations contained in this part or the application of such provision to any person, waterfront facility, or circumstances shall be held invalid, the validity of the remainder of the rules, regulations, conditions, or designations contained in this part and applicability of such provision to other persons, waterfront facilities, or circumstances, shall not be affected thereby.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

PART 127—LIQUEFIED NATURAL GAS WATERFRONT FACILITIES

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AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46(n)(4).

SOURCE: CGD 78-038, 53 FR 3376, Feb. 7, 1988, unless otherwise noted.

Subpart A—General

- § 127.001 Applicability.

(a) This part applies to the marine transfer area of new LNG waterfront facilities and to new construction in the marine transfer area of existing LNG waterfront facilities.

(b) Subparts A, D, E, F, and G and § 127.701 apply to the marine transfer area of active existing LNG waterfront facilities.

(c) Sections 127.007 (c), (d), and (e), 127.019(b), and 127.701 apply to the marine transfer area of inactive existing LNG waterfront facilities.

- § 127.003 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the

FEDERAL REGISTER and the material made available. All approved material may be obtained from the National Fire Protection Association at the address indicated in 33 CFR 127.003(b) of this section.

(b) The materials approved for incorporation by reference in this part are:

"National Fire Protection Association" Batterymarch Park, Quincy MA 02269

NFPA 10 Portable Fire Extinguishers, 1984

NFPA 30 Flammable and Combustible Liquids Code, 1984

NFPA 51B Fire Prevention in Use of Cutting and Welding Processes, 1984

NFPA 59A Production, Storage and Handling of Liquefied Natural Gas (LNG), 1985

NFPA 70 National Electrical Code, 1987

NFPA 251 Fire Tests of Building Construction and Materials, 1985

§ 127.005 Definitions.

As used in this part:

"Active" means transferring LNG or scheduling a LNG transfer operation within 12 months of the most recent transfer operation.

"Captain of the Port" (COTP) means the Coast Guard officer designated by the Commandant to command a Captain of the Port Zone as described in Part 3 of this chapter, or an authorized representative.

"Commandant" means the Commandant of the U.S. Coast Guard or an authorized representative.

"Control room" means a space within the LNG waterfront facility from which facility operations are controlled.

"District Commander" means the Coast Guard officer designated by the Commandant to command a Coast Guard District as described in Part 3 of this chapter, or an authorized representative.

"Environmentally sensitive areas" include public parks and recreation areas, wildlife and waterfowl refuges, fishing grounds, wetlands, other areas deemed to be of high value to fish and wildlife resources, historic sites, and other protected areas.

"Existing" means constructed or being constructed under a contract awarded before (insert the effective date of these regulations).

"Fire endurance rating" means the duration for which an assembly or structural unit will contain a fire or retain structural integrity when exposed to the temperatures specified in the standard time-temperature curve in NFPA 251.

"Inactive" means not active.

"Impounding space" means a space formed by dikes and floors that confines a spill of LNG.

"Liquefied natural gas" (LNG) means a liquid or semisolid consisting mostly of methane and small quantities of ethane, propane, nitrogen, or other natural gases.

"Liquefied petroleum gas" (LPG) means a liquid consisting mostly of propane or butane or both.

"Loading flange" means the connection or group of connections in the cargo transfer pipeline on the facility that connects the facility pipeline to the vessel pipeline.

"LNG vessel" means a watercraft constructed or converted to carry LNG in bulk.

"LNG waterfront facility" (facility) means a waterfront facility, as defined in § 126.01, at which LNG transfer operations are conducted.

"Marine transfer area" means that portion of a facility between the vessel, or where the vessel moors, and the last manifold or valve immediately before the receiving tanks.

"Maximum allowable working pressure" (MAWP) means the maximum gauge pressure permissible at the top of equipment, containers, or pressure vessels while operating at design temperature.

"New" means constructed or being constructed under a contract awarded on or after (insert the effective date of these regulations).

"Person in charge of transfer operations on the vessel" is the person designated the person in charge of cargo transfer under 46 CFR 154.1831.

"Substructure" means the deck of a pier or wharf and the structural components below that deck.

§ 127.007

§ 127.007 Letter of intent.

(a) An owner who intends to build a new facility or the owner or operator who plans new construction on an existing facility, must submit a letter of intent that meets paragraph (d) of this section to the COTP of the zone in which the facility is or will be located, at least 60 days before construction begins.

(b) The owner or operator of an active existing facility shall submit a letter of intent that meets paragraph (d) of this section to the COTP of the zone in which the facility is located.

(c) An owner or operator of an inactive existing facility shall submit a letter of intent that meets paragraph (d) of this section to the COTP of the zone in which the facility is located, at least 60 days before transferring LNG.

(d) Each letter of intent must contain—

(1) The name, address, and telephone number of the owner and operator;

(2) The name, address, and telephone number of the facility;

(3) The physical location of the facility;

(4) A description of the facility;

(5) The LNG vessels' characteristics and the frequency of LNG shipments to or from the facility; and

(6) Charts showing waterway channels and identifying commercial, industrial, environmentally sensitive, and residential areas in and adjacent to the waterway used by the LNG vessels en route to the facility, within 25 kilometers (15.5 miles) of the facility.

(e) The owner or operator who submits a letter of intent under paragraph (a), (b), or (c), shall notify the COTP in writing within 15 days if—

(1) There is any change in the information submitted under paragraphs (d)(1) through (d)(5) of this section; or

(2) No LNG transfer operations are scheduled within the next 12 months.

§ 127.009 Letter of recommendation.

After the COTP receives the letter of intent under § 127.007 (a) or (c), the COTP issues a letter of recommendation to the owner or operator of the facility and to the state and local government agencies having jurisdiction,

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as to the suitability of the waterway for LNG marine traffic, based on the—

(a) Information submitted under §§ 127.007 (d)(3) through (d)(6);

(b) Density and character of marine traffic in the waterway;

(c) Locks, bridges, or other man-made obstructions in the waterway; and

(d) Following factors adjacent to the facility:

(1) Depths of the water.

(2) Tidal range.

(3) Protection from high seas.

(4) Natural hazards, including reefs, rocks, and sandbars.

(5) Underwater pipelines and cables.

(6) Distance of berthed vessel from the channel and the width of the channel.

NOTE: The Coast Guard is authorized by law to establish water or waterfront safety zones, or other measures for limited, controlled, or conditional access and activity, when necessary for the protection of any vessel, structure, waters, or shore area.

§ 127.011 LNG waterfront facility inspections.

The operator shall ensure that the COTP or his representative is allowed to make reasonable examinations and inspections to determine whether the facility meets this part.

§ 127.013 Suspension of transfer operations.

(a) The COTP may issue an order to the operator to suspend LNG transfer operations if the COTP finds any condition requiring immediate action to—

(1) Prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

(2) Protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

(b) Each order to suspend transfer operations issued under paragraph (a) of this section—

(1) Is effective immediately;

(2) Contains a statement of each condition requiring immediate action; and

(3) Is withdrawn by the COTP whenever each condition is corrected or no longer exists.

§ 127.015 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard officer responsible for that action.

(b) Except as provided under paragraph (e) of this section, any person not satisfied with a ruling made under the procedure contained in paragraph (a) of this section may—

(1) Appeal that ruling in writing to the District Commander of the district in which the action was taken; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(c) The District Commander issues a ruling after reviewing the appeal submitted under paragraph (b) of this section. Except as provided under paragraph (e) of this section, any person not satisfied with this ruling may—

(1) Appeal that ruling in writing to the Chief, Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, DC 20593-0001; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(d) The Chief, Office of Marine Safety, Security and Environmental Protection issues a ruling after reviewing the appeal submitted under paragraph (c) of this section, which is final agency action.

(e) If the delay in presenting a written appeal has an adverse impact on the operations of the appellant, the appeal under paragraph (b) or (c) of this section—

(1) May be presented orally; and

(2) Must be submitted in writing within five days after the oral presentation—

(i) With the basis for the appeal and a summary of the material presented orally; and

(ii) To the same Coast Guard official who heard the oral presentation.

§ 127.017 Alternatives.

(a) The COTP may allow alternative procedures, methods, or equipment

standards to be used by an operator instead of any requirements in this part if—

(1) The operator submits a written request for the alternative at least 30 days before facility operations under the alternative would begin, unless the COTP authorizes a shorter time; and

(2) The alternative provides at least the same degree of safety provided by the regulations in this part.

(b) The COTP approves or disapproves any alternative requested under paragraph (a) of this section—

(1) In writing; or

(2) Orally, with subsequent written confirmation.

§ 127.019 Operations Manual and Emergency Manual: Procedures for examination.

(a) The owner or operator of an active existing facility shall submit two copies of the *Operations Manual* and of the *Emergency Manual* to the Captain of the Port of the zone in which the facility is located.

(b) At least 30 days before transferring LNG, the owner or operator of a new or an inactive existing facility shall submit two copies of the *Operations Manual* and of the *Emergency Manual* to the Captain of the Port of the zone in which the facility is located, unless the manuals have been examined and there have been no changes since that examination.

(c) If the COTP finds that the *Operations Manual* meets § 127.305 and the *Emergency Manual* meets § 127.307, the Captain of the Port returns a copy to the owner or operator marked "Examined by the Coast Guard".

(d) If the COTP finds that the *Operations Manual* or the *Emergency Manual* does not meet this part, the Captain of the Port returns the manual with an explanation of why it does not meet this part.

Subpart B—Design and Construction

§ 127.101 Design and construction: General.

The marine transfer area must meet the following criteria in NFPA 59A:

(a) Chapter 2, Sections 2-1.2 and 2-3.

(b) Chapter 4, Section 4-1.3.

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- (c) Chapter 6.
- (d) Chapter 7, Sections 7-6 and 7-7.
- (e) Chapter 8, except Sections 8-3, 8-5 and 8-7.2.

§ 127.103 Piers and wharves.

(a) If the facility is in a region subject to earthquakes, the piers and wharves must be designed to resist earthquake forces.

(b) Substructures, except moorings and breasting dolphins, that support or are within 5 meters (16.4 feet) of any pipe or equipment containing LNG, or are within 15 meters (49.2 feet) of a loading flange, must—

- (1) Be made of concrete or steel; and
- (2) Have a fire endurance rating of not less than two hours.

(c) LNG or LPG storage tanks must have the minimum volume necessary for—

- (1) Surge protection;
- (2) Pump suction supply; or
- (3) Other process needs.

§ 127.105 Marine transfer area layout and spacing.

(a) LNG impounding spaces must be located so that the heat flux from a fire over the impounding spaces does not cause structural damage to an LNG vessel moored or berthed at the facility.

(b) Each LNG loading flange must be located at least 300 meters (984.3 feet) from the following which are primarily intended for the use of the general public or railways:

- (1) Each bridge crossing a navigable waterway.
- (2) Each entrance to any tunnel under a navigable waterway.

§ 127.107 Electrical power systems.

(a) The electrical power system must have a power source and a separate emergency power source, so that failure of one source does not affect the capability of the other source. The system must meet the National Electrical Code, NFPA 70.

(b) The emergency power source must provide enough power for the operation of the—

- (1) Emergency shutdown system;
- (2) Communications equipment;
- (3) Firefighting equipment; and
- (4) Emergency lighting.

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(c) If an auxiliary generator is used as an emergency power source, it must meet Section 700-12 of NFPA 70.

§ 127.109 Lighting systems.

(a) The marine transfer area must have a lighting system and separate emergency lighting.

(b) All outdoor lighting must be located or shielded so that it is not confused with any aids to navigation and does not interfere with navigation on the adjacent waterways.

(c) The lighting system must provide an average illumination on a horizontal plane one meter (3.3 feet) above the deck that is—

- (1) 54 lux (five foot-candles) at any loading flange; and
- (2) 11 lux (one foot-candle) at each work area.

(d) The emergency lighting must provide lighting for the operation of the—

- (1) Emergency shutdown system;
- (2) Communications equipment; and
- (3) Firefighting equipment.

§ 127.111 Communications systems.

(a) The marine transfer area must have a ship-to-shore communication system and a separate emergency ship-to-shore communication system.

(b) Each ship-to-shore communication system must be a dedicated system that allows voice communication between the person in charge of transfer operations on the vessel, the person in charge of shoreside transfer operations, and personnel in the control room.

§ 127.113 Warning signs.

(a) The marine transfer area must have warning signs that—

- (1) Meet paragraph (b) of this section;
- (2) Can be seen from the shore and the water; and
- (3) Have the following text:

Warning
Dangerous Cargo
No Visitors
No Smoking
No Open Lights

(b) Each letter in the words on the sign must be—

- (1) Block style;

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- (2) Black on a white background; and
- (3) 7.6 centimeters (3 inches) high.

Subpart C—Equipment

§ 127.201 Sensing and alarm systems.

- (a) Fixed sensors must have audio and visual alarms in the control room and audio alarms nearby.
- (b) Fixed sensors that continuously monitor for LNG vapors must—
 - (1) Be in each enclosed area where vapor or gas may accumulate; and
 - (2) Meet Section 9-4 of NFPA 59A.
- (c) Fixed sensors that continuously monitor for flame, heat, or products of combustion must—
 - (1) Be in each enclosed or covered Class I, Division 1, hazardous location defined in Section 500-5(a) of NFPA 70 and each area in which flammable or combustible material is stored; and
 - (2) Meet Section 9-4 of NFPA 59A.

§ 127.203 Portable gas detectors.

The marine transfer area must have at least two portable gas detectors capable of measuring 0-100% of the lower flammable limit of methane.

§ 127.205 Emergency shutdown.

Each transfer system must have an emergency shutdown system that—

- (a) Can be activated manually; and
- (b) Is activated automatically when the fixed sensors under § 127.201(b) measure LNG concentrations exceeding 40% of the lower flammable limit.

§ 127.207 Warning alarms.

- (a) The marine transfer area must have a rotating or flashing amber light with a minimum effective flash intensity, in the horizontal plane, of 5000 candelas. At least 50% of the required effective flash intensity must be maintained in all directions from 1.0 degree above to 1.0 degree below the horizontal plane.
- (b) The marine transfer area must have a siren with a minimum $\frac{1}{3}$ -octave band sound pressure level at 1 meter of 125 decibels referenced to 0.0002 microbars. The siren must be located so that the sound signal produced is audible over 360 degrees in a horizontal plane.

- (c) Each light and siren must be located so that the warning alarm is not obstructed for a distance of 1.6 km (1 mile) in all directions.

Subpart D—Operations

§ 127.301 Persons in charge of shoreside transfer operations: Qualifications and certification.

- (a) No person may serve, and the operator of the facility may not use the services of any person, as a person in charge of shoreside transfer operations, unless that person—
 - (1) Has at least 48 hours of LNG transfer experience;
 - (2) Knows the hazards of LNG;
 - (3) Knows the rules of this subpart; and
 - (4) Knows the procedures in the examined *Operations Manual* and the examined *Emergency Manual*.
- (b) Before a person in charge of shoreside transfer operations supervises a transfer, the operator shall certify in writing that the criteria in paragraph (a) of this section are met. The operator shall maintain a copy of each current certification available for inspection at the facility.

§ 127.303 Compliance with suspension order.

If an order to suspend is given to the operator or owner of the facility, no LNG transfer operations may be conducted at the facility until the order is withdrawn by the COTP.

§ 127.305 Operations Manual.

Each *Operations Manual* must contain—

- (a) A description of the transfer system including mooring areas, transfer connections, control rooms, and diagrams of the piping and electrical systems;
- (b) The duties of each person assigned for transfer operations;
- (c) The maximum relief valve setting or maximum allowable working pressure of the transfer system;
- (d) The facility telephone numbers of facility supervisors, persons in charge of shoreside transfer operations, personnel on watch in the

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marine transfer area, and security personnel;

(e) A description of the security systems for the marine transfer area;

(f) The procedures for—

(1) Transfer operations including gauging, cool down, pumping, venting, and shutdown;

(2) Transfer operations start-up and shutdown;

(3) Security violations; and

(4) The communications systems; and

(g) A description of the training programs established under § 127.503.

§ 127.307 Emergency Manual.

Each *Emergency Manual* must contain—

(a) LNG release response procedures, including contacting local response organizations;

(b) Emergency shutdown procedures;

(c) A description of the fire equipment and systems and their operating procedures;

(d) A description of the emergency lighting and emergency power systems;

(e) The telephone numbers of local Coast Guard units, hospitals, fire departments, police departments, and other emergency response organizations;

(f) If the facility has personnel shelters, the location of and provisions in each shelter;

(g) First aid procedures and if there are first aid stations, the locations of each station; and

(h) Emergency procedures for mooring and unmooring a vessel.

§ 127.309 Operations Manual and Emergency Manual: Use.

The operator shall ensure that—

(a) LNG transfer operations are not conducted unless the facility has an examined *Operations Manual* and examined *Emergency Manual*;

(b) Each transfer operation is conducted in accordance with the examined *Operations Manual*; and

(c) Each emergency response is in accordance with the examined *Emergency Manual*.

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§ 127.311 Motor vehicles.

(a) The operator shall designate and mark parking spaces that—

(1) Do not block fire lanes;

(2) Do not impede any exits;

(3) Are not located in any impounding space; and

(4) Are not within 15 meters (49.2 feet) of any storage tank or loading flange.

(b) During transfer operations, no person may—

(1) Stop or park a motor vehicle in a space that is not designated a parking space; or

(2) Refuel any motor vehicle.

§ 127.313 Bulk storage.

(a) The operator shall ensure that only the following flammable materials are stored in the marine transfer area:

(1) LNG.

(2) LPG.

(3) Vessel fuel.

(4) Oily waste from vessels.

(5) Solvents, lubricants, paints, and other fuels in the amount used for one day's operations and maintenance.

(b) Flammable liquids must be stored in accordance with Chapter 4 of NFPA 30.

§ 127.315 Preliminary transfer inspection.

Before transferring LNG, the person in charge of shoreside transfer operations shall—

(a) Inspect the transfer piping and equipment to be used during the transfer and replace any worn or inoperable parts;

(b) For each of the vessel's cargo tanks from which cargo will be transferred, note the pressure, temperature, and volume to ensure they are safe for transfer;

(c) Review and agree with the person in charge of cargo transfer on the vessel to—

(1) The sequence of transfer operations;

(2) The transfer rate;

(3) The duties, location, and watches of each person assigned for transfer operations; and

(4) Emergency procedures from the examined *Emergency Manual*;

(d) Ensure that transfer connections allow the vessel to move to the limits of its moorings without placing strain on the loading arm or transfer piping system;

(e) Ensure that each part of the transfer system is aligned to allow the flow of LNG to the desired location;

(f) Ensure that warning signs that warn that LNG is being transferred, are displayed;

(g) Eliminate all ignition sources in the marine transfer area;

(h) Ensure that personnel are on duty in accordance with the examined *Operations Manual*; and

(i) Test the following to determine that they are operable:

(1) The sensing and alarm systems.

(2) The emergency shutdown system.

(3) The communication systems.

§ 127.317 Declaration of inspection.

(a) After the preliminary transfer inspection under § 127.315 has been satisfactorily completed, the person in charge of shoreside transfer operations shall ensure that no person transfers LNG until a Declaration of Inspection that meets paragraph (c) of this section is executed and signed in duplicate.

(b) The person in charge of shoreside transfer operations shall give one signed copy of the Declaration of Inspection to the person in charge of transfer operations on the vessel, and shall retain one signed copy at the facility for 30 days after completion of the transfer.

(c) Each Declaration of Inspection must contain—

(1) The name of the vessel and the facility;

(2) The date and time that transfer operations begin;

(3) A list of the requirements in § 127.315 with the initials of the person in charge of shoreside transfer operations after each requirement, indicating that the requirement is met;

(4) The signature of the person in charge of shoreside transfer operations and the date and time of signing, indicating that he or she is ready to begin transfer operations; and

(5) The signature of each relief person in charge and the date and time of each relief.

§ 127.319 LNG transfer.

During LNG transfer operations, the following must be met:

(a) The operator of the facility shall ensure that—

(1) The marine transfer area is under the supervision of a person in charge, who has no other assigned duties during the transfer operation;

(2) Personnel transferring fuel or oily waste are not involved in LNG transfer; and

(3) No vessels are moored outboard of any LNG vessel without the permission of the COTP.

(b) The person in charge of shore-side transfer operations shall—

(1) Be in continuous communication with the person in charge of transfer operations on the vessel;

(2) Ensure that an inspection of the transfer piping and equipment for leaks, frost, defects, and other symptoms of safety and operational problems is conducted at least once every transfer;

(3) Ensure that transfer operations are discontinued—

(i) Before electrical storms or uncontrolled fires are adjacent to the marine transfer area; and

(ii) As soon as a fire is detected; and

(4) Ensure that the lighting systems are turned on between sunset and sunrise.

NOTE: Vessel transfer requirements are published in 46 CFR Part 154.

§ 127.321 Release of LNG.

(a) The operator of the facility shall ensure that—

(1) No person releases LNG into the navigable waters of the United States; and

(2) If there is a release of LNG, vessels near the facility are notified of the release by the activation of the warning alarm.

(b) If there is a release of LNG, the person in charge of shoreside transfer operations shall—

(1) Immediately notify the person in charge of cargo transfer on the vessel of the intent to shutdown;

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- (2) Shutdown transfer operations;
- (3) Notify the COTP of the release; and
- (4) Not resume transfer operations until authorized by the COTP.

Subpart E—Maintenance

§ 127.401 Maintenance: General.

The operator of the facility shall ensure that the equipment required under this part is maintained in a safe condition so that it does not cause a release or ignition of LNG.

§ 127.403 Inspections.

The operator shall conduct a visual inspection for defects of each pressure-relief device not capable of being tested, at least once each calendar year, with intervals between inspections not exceeding 15 months, and make all repairs in accordance with § 127.405.

§ 127.405 Repairs.

The operator shall ensure that—

- (a) Equipment repairs are made so that—
 - (1) The equipment continues to meet the applicable requirements in subparts B, C, G, and H of this part and in NFPA 59A; and
 - (2) Safety is not compromised; and
- (b) Welding is done in accordance with NFPA 51B and NFPA 59A, Chapter 6, Section 6-3.4.

§ 127.407 Testing.

(a) The operator shall pressure test under paragraph (b) of this section the transfer system, including piping, hoses, and loading arms, and verify the set pressure of the safety and relief valves—

- (1) After the system or the valves are altered;
 - (2) After the system or the valves are repaired;
 - (3) After any increase in the MAWP; or
 - (4) For those components that are not continuously kept at cryogenic temperature, at least once each calendar year, with intervals between testing not exceeding 15 months.
- (b) The pressure for the transfer system test under paragraph (a) of this section must be at 1.1 times the

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MAWP and be held for a minimum of 30 minutes.

§ 127.409 Records.

(a) The operator shall keep on file the following information:

- (1) A description of the components tested under § 127.407.
- (2) The date and results of the test under § 127.407.
- (3) A description of any corrective action taken after the test.

(b) The information required by this section must be retained for 24 months.

Subpart F—Personnel Training

§ 127.501 Applicability.

The training required by this subpart must be completed before LNG is transferred.

§ 127.503 Training: General.

The operator shall ensure that each of the following is met:

(a) All full-time employees have training in the following subjects:

- (1) Basic LNG firefighting procedures.
- (2) LNG properties and hazards.
- (b) In addition to the training under paragraph (a) of this section, each person assigned for transfer operations has training in the following subjects:

(1) The examined *Operations Manual* and examined *Emergency Manual*.

(2) Advanced LNG firefighting procedures.

(3) Security violations.

(4) LNG vessel design and cargo transfer operations.

(5) LNG release response procedures.

(6) First aid procedures for—

(i) Frostbite;

(ii) Burns;

(iii) Cardio-pulmonary resuscitation; and

(iv) Transporting injured personnel.

(c) The personnel who received training under paragraphs (a) and (b) of this section receive refresher training in the same subjects at least once every five years.

Subpart G—Firefighting**FIRE EQUIPMENT****§ 127.601 Fire equipment: General.**

(a) Fire equipment and systems provided in addition to the requirements in this subpart must meet the requirements of this subpart.

(b) The following must be red or some other conspicuous color and be in locations that are readily accessible:

- (1) Hydrants and standpipes.
- (2) Hose stations.
- (3) Portable fire extinguishers.
- (4) Fire monitors.

(c) Fire equipment, if applicable, must bear the approval of Underwriters Laboratories, Inc., the Factory Mutual Research Corp., or the Coast Guard.

§ 127.603 Portable fire extinguishers.

Each marine transfer area must have—

(a) Portable fire extinguishers that meet 9-6.1 of NFPA 59A and Chapter 3 of NFPA 10; and

(b) At least one portable fire extinguisher in each designated parking area.

§ 127.605 Emergency outfits.

(a) There must be an emergency outfit for each person whose duties include fighting fires, but there must be at least two emergency outfits. Each emergency outfit must include—

- (1) One explosion-proof flashlight;
- (2) Boots and gloves of rubber or other electrically nonconducting material;
- (3) A rigid helmet that protects the head against impact;
- (4) Water resistant clothing that also protects the body against fire; and
- (5) U.S. Bureau of Mines approved self-contained breathing apparatus.

(b) Emergency outfits under paragraph (a) of this section must be in locations that are readily accessible and marked for easy recognition.

§ 127.607 Fire main systems.

(a) Each marine transfer area must have a fire main system that provides at least two water streams to each part of the LNG transfer piping and connections, one of which must be from a

single length of hose or from a fire monitor.

(b) The fire main must have at least one isolation valve at each branch connection and at least one isolation valve downstream of each branch connection to isolate damaged sections.

(c) The fire main system must have the capacity to supply—

(1) Simultaneously all fire hydrants, standpipes, and fire monitors in the system; and

(2) At a Pitot tube pressure of 618 kilonewtons per square meter (75 p.s.i.), the two outlets having the greatest pressure drop between the source of water and the hose or monitor nozzle, when only those two outlets are open.

(d) If the source of water for the fire main system is capable of supplying a pressure greater than the system's design working pressure, the system must have at least one pressure relief device.

(e) Each fire hydrant or standpipe must have at least one length of hose of sufficient length to meet paragraph (a) of this section.

(f) Each length of hose must—

- (1) Be 1½ inches or more in diameter and 30.5 meters (100 feet) or less in length;
- (2) Be on a hose rack or reel;
- (3) Be connected to the hydrant or standpipe at all times; and
- (4) Have a Coast Guard approved combination solid stream and water spray fire hose nozzle.

§ 127.609 Dry chemical systems.

(a) Each marine transfer area must have a dry chemical system that provides at least two dry chemical discharges to the area surrounding the loading arms, one of which must be—

- (1) From a monitor; and
- (2) Actuated and, except for pre-aimed monitors, controlled from a location other than the monitor location.

(b) The dry chemical system must have the capacity to supply simultaneously or sequentially each hose or monitor in the system for 45 seconds.

(c) Each dry chemical hose station must have at least one length of hose that—

- (1) Is on a hose rack or reel; and

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(2) Has a nozzle with a valve that starts and stops the flow of dry chemical.

§ 127.611 International shore connection.

The marine transfer area must have an international shore connection meeting the requirements of 46 CFR 162.034, a 2½ inch fire hydrant, and sufficient 2½ inch hose to connect the fire hydrant to the international shore connection on the vessel.

FIRE PROTECTION

§ 127.613 Smoking.

In the marine transfer area, the operator shall ensure that no person smokes when there is LNG present.

§ 127.615 Fires.

In the marine transfer area, the operator shall ensure that there are no fires when there is LNG present.

§ 127.617 Hotwork.

The operator shall ensure that no person conducts welding, torch cutting, or other hotwork unless that person has a permit from the COTP.

Subpart H—Security

§ 127.701 Security on existing facilities.

The operator shall ensure that any security procedure and arrangement on existing facilities, that were in use when LNG transfer operations were last conducted, be continued and maintained, or upgraded, whenever LNG transfer operations are conducted.

§ 127.703 Access to the marine transfer area.

The operator shall ensure that—

(a) Access to the marine transfer area from the shoreline and the water-side is limited to—

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(1) Personnel who work at the facility including persons assigned for transfer operations, vessel personnel, and delivery and service personnel in the course of their business;

(2) Coast Guard personnel; and

(3) Other persons authorized by the operator; and

(b) No person is allowed into the marine transfer area unless that person is identified by a facility-issued identification card or other identification card displaying his or her photograph, or is an escorted visitor displaying an identifying badge.

§ 127.705 Security systems.

The operator shall ensure that security patrols of the marine transfer area are conducted once every hour, or that a manned television monitoring system is used, to detect—

(a) Unauthorized personnel;

(b) Fires; and

(c) LNG releases.

§ 127.707 Security personnel.

The operator shall ensure that no person is assigned security patrol duty unless that person has been instructed on security violation procedures.

§ 127.709 Protective enclosures.

The following must be within a fence or wall that prevents trespassing:

(a) Impounding spaces.

(b) Control rooms and stations.

(c) Electrical power sources.

§ 127.711 Communications.

The marine transfer area must have a means of direct communications between the security patrol and other operating or security personnel on duty on the facility.

SUBCHAPTER M—MARINE POLLUTION FINANCIAL RESPONSIBILITY AND COMPENSATION

PART 130—FINANCIAL RESPONSIBILITY FOR WATER POLLUTION

Sec.

- 130.1 Scope.
- 130.2 Definitions.
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- 130.13 Fees.
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APPENDIX—FINANCIAL RESPONSIBILITY APPLICATION AND SUPPORTING FORMS

AUTHORITY: 33 U.S.C. 1321(p); E.O. 11735, as amended by sec. 1 of E.O. 12418 (48 FR 20891); 49 CFR 1.46.

SOURCE: CGD 83-039, 43 FR 46179, Oct. 11, 1983, unless otherwise noted.

EDITORIAL NOTE: The information collection requirements contained in this part were approved by the Office of Management and Budget under control number 2115-0528.

§ 130.1 Scope.

(a) This part implements section 311(p)(1) of the Federal Water Pollution Control Act, as amended, and applies to all vessels using any port or place in the United States or the navigable waters of the United States except—

(1) Vessels which are 300 gross tons or less;

(2) Non-self-propelled barges which do not carry oil or hazardous substances as cargo or fuel; and

(3) Public vessels.

(b) This part sets forth the procedures for operators to demonstrate that they are financially able to meet their liability to the United States resulting from the discharge of oil or hazardous substances—

(1) Into or upon the navigable waters of the United States, adjoining

shorelines or waters of the contiguous zone; or

(2) In connection with activities under the Outer Continental Shelf Lands Act, or the Deepwater Port Act of 1974; or

(3) Which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery conservation and Management Act of 1976).

(c) Upon the satisfactory demonstration of financial responsibility, the Commandant, U.S. Coast Guard issues Certificates of Financial Responsibility (Water Pollution) which are to be carried aboard the vessels covered by such Certificates.

§ 130.2 Definitions.

As used in this part—

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321).

(b) "Applicant" means any vessel "operator," as defined in paragraph (q) of this section, who has applied for a Certificate or for the renewal of a Certificate.

(c) "Application" means Application for Certificate of Financial Responsibility (Water Pollution), Form CG-5358-8.

(u) "Cargo" means goods or materials on board a vessel for purposes of transportation, in any quantity, whether in bulk or by lot, and regardless of whether transported under proprietary or nonproprietary shipping documents. Oil carried solely as operating fuel for equipment carrying barges, while on board such barges, is not within this definition.

(e) "Certificant" means any operator, as defined in paragraph (q) of this section, who has been issued a Certificate.

(f) "Certificate" means a Certificate of Financial Responsibility (Water Pollution), Form CG-5358-10 issued by the U.S. Coast Guard under this part.

(g) "Commandant" means the Commandant, U.S. Coast Guard.

(h) "Financial responsibility" means proof of financial ability to reimburse the United States under the requirements of section 311(p)(1) of the Act.

(i) "Fuel" means any oil or hazardous substance used or capable of being used to produce heat or power by burning.

(j) "Hazardous substances" means any substance or substances designated as such by the Administrator of the Environmental Protection Agency under section 311(b) of the Act. Generally, hazardous substances are those elements and compounds, other than oil, which, when discharged, may present an imminent and substantial danger to the public health or welfare including, but not limited to, fish, shellfish, wildlife, shorelines and beaches.

(k) "Inland oil barge" means a non-self-propelled vessel over 300 gross tons capable of carrying oil in bulk as cargo and which is certificated by the U.S. Coast Guard to operate only in the inland waters of the United States, while operating in such waters. Regardless of the actual routes traveled by a barge, it is not an "Inland oil barge" unless it possesses Coast Guard certification to that effect.

(l) "Inland waters of the United States" means those waters of the United States lying inside the baseline from which the territorial sea is measured and those waters outside such baseline which are a part of the Gulf Intracoastal Waterway.

(m) "Insurer" means one or more acceptable insurance companies, corporations, or associations of underwriters, shipowners protection and indemnity associations, or other persons acceptable to the Coast Guard.

(n) "Master Certificate" means a Certificate issued to builders, repairers, scrappers, and sellers of vessels under § 130.11.

(o) "Navigable waters of the United States" means the waters of the United States, including the territorial sea.

(p) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil

refuse, and oil mixed with wastes other than dredged spoil.

(q) "Operator" or "Vessel operator" means any person, including, but not limited to, an owner, a demise charterer or other contractor who conducts or who is responsible for the operation of a vessel. Persons who are responsible for vessels in the capacity of a builder, repairer, scrapper, or seller are included in this definition of operator.

(r) "Owner" or Vessel "owner" means any person holding legal or equitable title to a vessel. In a case where a Certificate of Registry or equivalent document has been issued, the owner is the person or persons whose name or names appear thereon as owner. *Provided, however,* That where a Certificate of Registry has been issued in the name of the president or secretary of an incorporated company under 46 U.S.C. 15, such incorporated company is the owner.

(s) "Person" includes, but is not limited to, an individual, a government, a firm, a corporation, an association, a partnership, a joint-stock company, a business trust, or an unincorporated organization.

(t) "Public vessel" means a vessel, not engaged in commerce, the operator of which is the Government of the United States or a State or political subdivision thereof, or the government of a foreign nation.

(u) "Remove," "removing," or "removal" means—

(1) The removal of oil or hazardous substances from the water and shorelines;

(2) The taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare (including, but not limited to, fish, shellfish, wildlife, and public or private property, shorelines and beaches), resulting from a discharge or substantial threat of a discharge of oil or a hazardous substance; and

(3) The restoration or replacement of natural resources damaged or destroyed as the result of a discharge of oil or a hazardous substance in violation of section 311(b) of the Act.

(v) "Underwriter" means an insurer, a surety company, a guarantor, or any other person, other than the operator,

which undertakes to pay the liability of the operator.

(w) "United States" means any place under the jurisdiction of the United States, including, but not limited to the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Trust Territory of the Pacific Islands.

(x) "Vessel" means every description of watercraft or other artificial contrivance which is used, or capable of being used, as a means of transportation on water, and which is over 300 gross tons. Drilling rigs are included within this definition, except when at a drilling site and in a drilling mode. Public vessels are not included in this definition.

§ 130.3 General.

(a) No vessel shall use any port or place in, or the navigable waters of, the United States, unless that vessel has a Certificate covering that vessel and its operator.

(b) The gross tonnage of a vessel is the tonnage indicated in the vessel's Certificate of Registry or, in the absence thereof, other marine documents acceptable to the Coast Guard.

(c) If a vessel has more than one gross tonnage, the higher tonnage applies unless the vessel operator states in writing that the vessel never operates in any United States waters under such higher tonnage.

§ 130.4 Where to apply and obtain forms.

(a) Any operator who wishes to be issued a Certificate (including a Master Certificate) shall file or cause to be filed with the Coast Guard an application, fees and evidence of financial responsibility at the following address:

Commandant (G-MER-1), U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593.

(b) Application procedures are set forth in the remaining paragraphs of this section and in §§ 130.5 and 130.6. Regulations concerning fees are set forth in § 130.13, and regulations concerning evidence of financial responsibility are set forth in § 130.8. Regulations concerning Master Certificates

(i.e., special Certificates applicable only in connection with vessels held solely for building, repair, scrapping, or sale) are set forth in § 130.11.

(c) Application forms may be obtained from the Headquarters address set forth in paragraph (a) of this section.

(d) All requests for assistance, including telephone inquiries, in completing applications should be directed to the Commandant's staff in Washington, DC (202) 267-0530.

[CGD 83-039, 48 FR 46179, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 130.5 Time to apply.

(a) A vessel operator who wishes to obtain a Certificate must file a completed application, fees, and evidence of financial responsibility at least 21 days before the date the Certificate is required.

(b) Applications are processed in the order in which they are filed.

§ 130.6 Applications, general instructions.

(a) All applications and supporting documents shall be in English. All monetary terms shall be in U.S. currency.

(b) The spaces on the application shall be filled in with the information requested or the phrase "Not applicable." Applicants for a Master Certificate should refer to § 130.11.

(c) The application shall—

(1) Be signed by an authorized official of the applicant, whose title shall be shown in the space provided on the application; and

(2) Be accompanied by a written statement providing authority to sign, where the signer is not disclosed as an individual (sole proprietor) applicant, a partner in a partnership applicant, or an authorized officer of a corporate applicant.

(d) If, before the issuance of a Certificate, the applicant becomes aware of a change in any of the facts contained in the application or supporting documentation, the applicant shall, within five days of becoming aware of the change, notify the Commandant (G-MER-1), in writing, of the change.

§ 130.7

[CGD 83-039, 48 FR 46179, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 130.7 Renewal of Certificates.

(a) Written applications for renewal Certificates shall be made to the Commandant (G-MER-1) at least 21 days, but not earlier than 90 days, before the expiration dates of existing Certificates.

(b) Each renewal application shall be accompanied by appropriate recertification fees, identify any changes since the original application was filed, and set forth the correct information in full.

[CGD 83-039, 48 FR 46179, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 130.8 Financial responsibility, how established.

(a) *General.* In addition to filing an application, each applicant shall demonstrate the ability to pay the amount necessary to meet the removal cost liability under section 311 of the Act by establishing evidence of financial responsibility. The required amount of evidence of financial responsibility is separate from and in addition to the amount, if any, required of the applicant under Part 131 (Financial Responsibility for Oil Pollution-Alaska Pipeline) of this subchapter.

(b) *Methods.* An applicant shall establish evidence of financial responsibility by any one of, or by an acceptable combination of, the following methods:

(1) *Insurance.* Insurance may be established by filing with the Commandant (G-MER-1) an insurance form CG-5358-9 (master insurance form CG-5358-9A when applying for a Master Certificate) executed by an insurer acceptable to the Coast Guard.

(2) *Surety Bond.* An applicant may file with the Commandant (G-MER-1), a surety bond form CG-5358-9B, executed by a surety company acceptable to the Coast Guard. To be acceptable, surety companies must, at a minimum, be certified by the U.S. Department of the Treasury with respect to the issuance of Federal bonds in the penal sum of the bonds to be issued under this part.

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(3) *Self-insurance.* An applicant may establish financial responsibility as a self-insurer by maintaining, in the United States, working capital and net worth, each in the amount of \$150 per gross ton of the largest vessel to be self-insured or \$250,000, whichever is greater. As used in this subparagraph, "working capital" means the amount of current assets located in the United States, less all current liabilities; and "net worth" means the amount of all assets located in the United States less all liabilities. Maintenance of the required working capital and net worth shall be demonstrated by submitting with the initial application the items specified in paragraph (b)(3)(i) of this section for the applicant's last fiscal year preceding the date of application. Thereafter, for each of the applicant's fiscal years the applicant shall submit the items specified in paragraphs (b)(3) (i) and (ii) of this section and shall be subject to the provisions of paragraphs (b)(3) (iii), (iv), (v), and (vi) of this section:

(i) *Initial and annual submissions.* An applicant/certificant shall submit an annual, current nonconsolidated balance sheet and an annual, current nonconsolidated statement of income and surplus, certified by an independent Certified Public Accountant. Those financial statements shall be accompanied by an additional statement from the applicant's/certificant's Treasurer (or equivalent official), certifying to both the amount of current assets and the amount of total assets included in the accompanying balance sheet, which are located in the United States and acceptable for purposes of this part. I.e., not pledged for purposes of Part 131 of this subchapter. If the balance sheet and statement of income and surplus cannot be submitted in nonconsolidated form, consolidated statements may be submitted if accompanied by an additional statement prepared by the involved Certified Public Accountant, certifying to the amount by which the applicant's/certificant's—

(A) Assets, located in the United States and acceptable under this part, exceed total (i.e., worldwide) liabilities; and

(B) Current assets, located in the United States and acceptable under this part, exceed its current liabilities. Each additional statement must specifically name the applicant/certificant, indicate that the amounts so certified relate only to the applicant/certificant, apart from any other entity, and identify the consolidated financial statement to which it applies.

(ii) *Semiannual submissions.* When the applicant's/certificant's self-insurance covers a vessel that carries oil or hazardous substances in bulk as cargo and its demonstrated net worth is not at least 10 times the required amount, an affidavit shall be filed by the applicant's/certificant's corporate Treasurer (or equivalent official for a non-corporate entity) covering the first six months of the applicant's/certificant's fiscal year. Such affidavits shall state that neither the working capital nor the net worth have, during the first six months, fallen below the required amounts.

(iii) *Additional submissions.* Additional financial information shall be submitted upon request of the Coast Guard. All applicants/certificants who choose self-insurance shall notify the Commandant (G-MER-1) within five days of the date such persons know, or have reason to believe, that the amounts of working capital or net worth have fallen below the amounts required.

(iv) *Time for submissions.* All required annual financial statements shall be received by the Coast Guard within three calendar months after the close of the applicant's/certificant's fiscal year, and all six month affidavits within one calendar month after close of the applicable six month period. Upon written request, the Commandant (G-MER-1) grants a reasonable extension of the time limits for filing financial statements/affidavits; *Provided*, That the request sets forth sufficient reason to justify the requested extension and is received 15 days before the statements/affidavits are due. The Commandant does not consider a request for an extension of more than 45 days.

(v) *Failure to submit.* Failure to timely file any statement, data, or affidavit required by paragraph (b)(3) of

this section shall cause the revocation of the Certificate.

(vi) *Waivers of submissions.* For good cause shown in writing by the applicant/certificant, the Commandant (G-MER-1) waives the working capital requirement if the applicant/certificant is—

(A) An economically regulated public utility;

(B) A municipal or higher level governmental entity; or

(C) An entity operating solely as a charitable, nonprofitmaking organization.

The Coast Guard considers good cause to have been shown when the applicant/certificant demonstrates in writing that the grant of such waiver would benefit at least a local public interest without resulting in undue risk to the environment and without resulting in undue risk that the applicant's/certificant's removal cost liability could not be met. In addition, for good cause shown in writing by the applicant/certificant, the Commandant (G-MER-1) waives the working capital requirement where it can be demonstrated that working capital is not a significant factor in the applicant's/certificant's financial condition. An applicant's/certificant's net worth in relation to the amount of its exposure under the Act, and a history of stable operations are major elements in such demonstration.

(4) *Guaranty.* An applicant/certificant may file with the Commandant (G-MER-1), a guaranty form CG-5358-9C (master guaranty form CG-5358-9D when applying for a Master Certificate) executed by a guarantor acceptable to the Coast Guard. A guarantor shall comply with all of the self-insurance provisions of paragraph (b)(3) of this section. In addition, the amounts of working capital and net worth required to be demonstrated by an acceptable guarantor shall be no less than the aggregate amounts underwritten as a guarantor and self-insurer under this part, and Part 131 of this subchapter.

(5) *Other methods.* An applicant may choose any other method specially justified and acceptable to the Coast Guard.

(c) *Forms—general.* Application form CG-5358-8, insurance form CG-5358-9, master insurance form CG-5358-9A, surety bond form CG-5358-9B, guaranty form CG-5358-9C, and master guaranty form CG-5358-9D, as appended to this part, are hereby incorporated into this part. If more than one insurer, guarantor, or surety joins in executing an insurance, guaranty, or surety bond form, such action constitutes joint and several liability for such joint underwriters. Each form submitted to the Coast Guard under this part shall set forth in full the correct legal name of vessel operator to whom Certificates are to be issued.

(d) *Direct action.* Forms CG-5358-9 through CG-5358-9D and any other undertaking accepted under this part, shall permit the commencement of an action in court for removal cost claims arising under the provisions of section 311 of the Act by the claimant (including a claimant by right of subrogation) directly against the underwriter. Such forms and other undertakings shall also provide that in the event such action is brought directly against the underwriter, such underwriter shall be entitled to invoke only those rights and defenses permitted by section 311(p)(3) of the Act.

(e) *Public access to data.* Financial data filed by applicants, certificants, and underwriters shall be public information to the extent required by the Freedom of Information Act and permitted by the Privacy Act.

[CGD 83-039, 48 FR 46179, Oct. 11, 1983, as amended by CGD 88-062, 53 FR 25120, July 1, 1988]

§ 130.9 Individual Certificates.

(a) An individual Certificate for each vessel listed on a completed application is issued by the Coast Guard when acceptable evidence of financial responsibility has been provided and appropriate fees have been paid except, where Master Certificates are issued under § 130.11. Certificates are issued only to vessel operators and are effective for three years from the date of issue.

(b) The original Certificate shall be carried on the vessel named on the Certificate. However, a legible copy (certified as accurate by a notary

public or other person authorized to take oaths) may be carried in lieu of the original Certificate if the vessel is an unmanned barge and does not have a facility which the vessel operator believes would offer suitable protection for the original Certificate. If a copy is carried aboard a barge, the original shall be retained at a location in the United States and shall be readily accessible for inspection by U.S. Government officials.

(c) Erasures or other alterations on a Certificate or copy are prohibited (even if made by Government authorities) and automatically void a Certificate or copy.

(d) If at any time after a Certificate has been issued a certificant becomes aware of a change in any of the facts contained in the application or supporting documentation, the certificant shall notify the Commandant (G-MER-1), in writing, within 10 days of becoming aware of the change.

(e) If for any reason, including a vessel's demise or transfer to a new operator, a certificant ceases to be the operator of a vessel, the certificant shall, within 10 days, complete the reverse side of the original Certificate for the involved vessel and return it to the Commandant (G-MER-1). Such Certificate and any copy thereof is automatically void (whether or not returned to the Coast Guard), and its use is prohibited. Where such voided Certificate cannot be returned because it has been lost or destroyed, the certificant shall, as soon as possible, submit the following written information to the Commandant (G-MER-1):

(1) The number of the Certificate and the name of the vessel.

(2) The date and reason why the certificant ceased to be the operator of the vessel.

(3) The location of the vessel on the date the certificant ceased to be the operator.

(4) The name and mailing address of the person to whom the vessel was sold or transferred.

(f) In the event of the temporary transfer of a vessel certificated under this part, where the certificant transferring the vessel continues to be responsible for liabilities to which such vessel could be subjected under section

311 of the Act, and continues to maintain on file adequate evidence of financial responsibility with respect to such vessel, the existing Certificate will remain in effect and the new operator shall not be required to obtain an additional Certificate.

(CGD 53-039, 48 FR 46179, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988)

§ 130.10 Operator's responsibility for identification.

(a) Except in the case of unmanned barges, operators who are not also the owners of certificated vessels shall carry on board such vessels the original or legible copy of the demise charter-party or any other written document which demonstrates that such operators are, in fact, the operators designated on the certificates.

(b) The documents required by paragraph (a) of this section shall be presented for examination to U.S. Government officials upon request.

§ 130.11 Master Certificates.

(a) A contractor or other person who is responsible for vessels in the capacity of a builder, repairer, scrapper, or seller may choose to apply for a Master Certificate in lieu of applying for an individual Certificate for each vessel. A Master Certificate is designed to cover all of such applicant's vessels, provided each of such vessels is held by the applicant solely for purposes of construction, repair, scrapping or sale. A vessel which is being operated commercially in any business venture, including the business of building, repairing, scrapping, or selling other vessels (e.g., a ship barge used by a shipyard), is not eligible to be covered by a Master Certificate. Any vessel that requires a Certificate but is not eligible for a Master Certificate shall be covered by a separate Certificate under § 130.9.

(b) The application procedure for a Master certificate is the same as for other Certificates. Acceptable evidence of financial responsibility may be established by any of the methods in § 130.8(b), except insurance form CG-5358-9 and guaranty form CG-5358-9C. Applications shall be completed in full, except for Item 5. The applicant

shall make the following statement in Item 5: "This is an application for a Master Certificate. The largest vessel to be covered by this application is _____ gross tons." The gross tonnage indicated by the applicant in such statement may not exceed the applicant's dollar amount of financial responsibility divided by \$150.

(c) Each Master Certificate shall indicate—

(1) The name of the operator (the applicant builder, repairer, scrapper, or seller);

(2) The dates of issuance and termination, encompassing a period of not more than three years; and

(3) The gross tonnage of the largest vessel eligible for coverage by that Master Certificate. The gross tonnage indicated on a particular Master Certificate shall be determined by the amount of financial responsibility established by the applicant under the optional methods set forth in § 130.8(b) (a master insurance form, a surety bond, self-insurance, or a master guaranty form). Master Certificates will not name the vessels covered by such Certificates.

(d) Additional vessels (none of which exceed the tonnage indicated on the Master Certificate, all of which are eligible for coverage by a Master Certificate, and all of which are held solely for the purpose of construction, repair, scrapping or sale) shall be automatically covered by that Master Certificate. However, before acquiring a vessel (by any means, including conversion of an existing vessel) of a larger gross tonnage than the tonnage indicated on the existing Master Certificate, the certificate shall submit:

(1) Evidence of increased financial responsibility to cover the larger vessel.

(2) A new certification fee.

(3) Either a new application form or a letter amending the existing application form to reflect the new gross tonnage which is to be indicated on a new Master Certificate.

(e) A person to whom a Master Certificate has been issued shall submit to the Commandant (G-MER-1), every six months beginning with the month in which the Master Certificate is issued, a report indicating the name,

previous name, or other identifying information and gross tonnage of each vessel covered by the Master Certificate during the six-month reporting period.

(f) A copy of the Master Certificate shall be carried aboard each vessel covered by the Master Certificate. The original Certificate shall be retained at a U.S. location and be kept readily accessible for inspection by U.S. Government officials.

(g) Upon revocation or other invalidation of the Master Certificate, the original Certificate shall be returned within 10 days to the Commandant (G-MER-1) and all copies shall be destroyed by the person in whose name the Certificate was issued. The use of an invalid Master Certificate or any copy thereof is prohibited.

[CGD 83-039, 48 FR 46179, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 130.12 Certificates, denial or revocation.

(a) A Certificate is denied or revoked for any of the following reasons:

(1) Making any willfully false statement to the Coast Guard in connection with an application for an initial Certificate or a request for a renewal Certificate or the retention of an existing Certificate.

(2) Failure to establish or maintain acceptable evidence of financial responsibility.

(3) Failure to comply with or respond to lawful inquiries, regulations, or orders of the Coast Guard pertaining to activities subject to this part.

(4) Failure to timely file the statements or affidavits required by § 130.9(b)(3) (i), (ii), or (iii).

(5) Cancellation or termination of any insurance form, surety bond, guaranty or other undertaking under this part unless acceptable substitute evidence of financial responsibility has been submitted.

(b) Denial or revocation of a Certificate is immediate and without prior notice where the applicant or certificant—

(1) Is no longer the responsible operator of the vessel in question;

(2) Fails to furnish acceptable evidence of financial responsibility in support of an application; or

(3) Permits the cancellation or termination of the insurance form, surety bond, guaranty or other undertaking upon which the continued validity of the Certificate was based. In any other case, before the denial or revocation of a Certificate, the Commandant (G-MER-1) advises the applicant or certificant, in writing, of the intention to deny or revoke the Certificate, and states the reason therefor.

(c) If the reason for an intended revocation is failure to file the required financial statements or affidavits, the revocation is effective 10 days after the date of the notice of intention to revoke, unless the certificant shall, before revocation, demonstrate that the required statements were timely filed.

(d) If the intended denial or revocation is based upon one of the reasons in paragraph (a) (1) or (3) of the section, the applicant or certificant may request, in writing, a hearing to show that the applicant or certificant is in compliance with this part, and, if the request is received within 30 days after the date of the notification of intention to deny or revoke, the Coast Guard schedules a hearing. Hearings are conducted in accordance with § 135.223 of this subchapter.

[CGD 83-039, 48 FR 46179, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 130.13 Fees.

(a) This section establishes the application fee imposed by the Coast Guard for processing applications, and also establishes the certification fee imposed for the issuance or renewal of Certificates.

(b) No Certificate is issued unless the fees set forth in paragraphs (d) and (e) of this section have been paid.

(c) Fees shall be paid in United States currency, by check, draft or postal money order made payable to the U.S. Coast Guard.

(d) Each applicant who submits an application for the first time shall pay an initial, nonrefundable application fee of \$75. Only one application fee is necessary where an applicant submits an application for individual Certificates and a separate application for a

Master Certificate. Applications for additional Certificates, or to amend or renew existing Certificates, do not require new application fees. However, once an application is withdrawn or denied for any reason, and the same applicant, holding no valid Certificates, wishes to reapply for a Certificate (covering the same or new vessel), a new application and application fee of \$75 shall be filed.

(e) In addition to a \$75 application fee, applicants shall pay a \$40 fee for each Certificate issued, whether an individual Certificate or Master Certificate. Applicants shall submit such certification fee for each vessel listed in, or later added to, an application for individual Certificates. The \$40 certification fee is required to renew or to re-issue a Certificate for any reason, including, but not limited to, a name change or a lost Certificate.

(f) Certification fees are refunded, upon receipt of a written request, if the application is withdrawn or denied before issuance of the Certificates. Overpayments of application and certification fees are refunded on request only if the refund is \$20 or more. However, any overpayments not refunded are credited, for a period of two years from the date of receipt of the monies by the Coast Guard, for the applicant's possible future use under this part.

§ 130.14 Enforcement.

(a) Any vessel operator who fails to comply with this part is subject to a fine of not more than \$10,000 for each failure.

(b) The Secretary of the Treasury may refuse to grant the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), to any vessel

subject to section 311(p) of the Act which does not have a Certificate issued under this part.

(c) The Coast Guard denies entry to any port or place in the United States or the navigable waters of the United States and detains, at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to section 311(p) of the Act, which, upon request, does not produce a valid Certificate.

§ 130.15 Service of process.

(a) When executing the forms required by this part, each applicant and underwriter shall designate thereon a person in the United States as its agent for service of process for the purpose of section 311 of the Act of this part.

(b) Each designation shall be acknowledged in writing by the designee unless that party has already furnished the Coast Guard with a "master" concurrence showing it has agreed in advance to act as the United States agent for service of process for the applicant and underwriter in question.

(c) When the designated agent cannot be served because of death, disability, or unavailability, the Commandant becomes the agent for service of process.

(d) When serving the Commandant, the server shall also—

(1) Send to the applicant, certificant, or underwriter, by registered mail, at its last address on file with the Coast Guard, a copy of each document served upon the Commandant; and

(2) Attest to that mailing at the time service is made upon the Commandant.

APPENDIX—FINANCIAL RESPONSIBILITY APPLICATION AND SUPPORTING FORMS

Approved OMB No. 3115-0532

DEPARTMENT OF TRANSPORTATION U. S. COAST GUARD CG-5358-6 (6-83) APPLICATION FOR CERTIFICATE OF FINANCIAL RESPONSIBILITY (WATER POLLUTION)	GENERAL (Part I of 4 Parts) INSTRUCTIONS Please type or print clearly and submit this application to the Chief, Financial Responsibility Division (G-WFR), Office of Marine Environment and Systems, U. S. Coast Guard Headquarters, 2100 - 2nd Street, S.W., Washington, D.C. 20593. The examination is in four parts: Part I - General; Part II - Evidence of Financial Responsibility; Part III - Underwriting; and Part IV - Concurrence of Agent. Applicants must answer all applicable questions. If a question does not apply, answer "not applicable." Incomplete applications will be returned. If additional space is required, supplemental sheets may be attached.
1. Legal name of applicant (Name of legally responsible operator of all vessels listed in Part II).	THIS SPACE FOR USE BY USCG ONLY
a. English equivalent of legal name if customarily written in language other than English.	
b. Trade name, (if any)	
2. Is this the first time the above named applicant is submitting application form CG-5358-6? ☐ YES ☐ NO If "NO", complete item "a" below.	
a. What Control Number was assigned to the first application?	
3. State applicant's legal form of organization, i.e., whether operating as an individual, corporation, partnership, association, joint stock company, business trust or other organized group of persons (whether incorporated or not), or as a receiver, trustee or other liquidating agent, and briefly describe current business activities and length of time engaged therein.	
a. If a corporation, association, or other organization, please indicate. Name of State or foreign country in which incorporated or organized.	
Date of incorporation or organization	
b. If a partnership, give name and address of each partner	
4. Name and address of applicant's United States agent or other person authorized by applicant to accept legal service in the United States. (See PART IV)(U. S. applicants may appoint themselves as agent, eliminating the need to complete Part IV.)	

EVIDENCE OF FINANCIAL RESPONSIBILITY (PART II OF 4 PARTS)

5. Please list each vessel over 300 gross tons (except non-self-propelled barges which never carry oil or hazardous substances as cargo or as fuel to operate equipment) which uses any port or place in the United States or the navigable waters of the United States. Vessels for which the operator named in item 1 is not responsible should not be listed in this form. In column (f) indicate the number "1" if the operator is also the registered owner. Indicate "2" in column (f) if the operator is not the registered owner.

NAME OF VESSEL (a)	TYPE OF VESSEL (See note below) (b)	COUNTRY OF REGISTRY (c)	REGISTRATION NUMBER (d)	GROSS TONS (e)	"1" OR "2" (f)

NOTE: Please designate the type of vessel by using a number from one of the following categories:

CARGO VESSELS, SELF-PROPELLED

Breakbulk freighter 10
 Containership* 11
 Roll on-roll off 12
 Barge carrier (e.g., tank, oilboat) 13
 Combination breakbulk containership** 14
 Combination roll on-roll off containership** 15
 Combined barge carrier containership** 16
 Tanker 17
 Dry bulk carrier 18
 All other self-propelled cargo vessels 19

PASSENGER VESSELS

Passenger vessel*** 20
 Combination passenger/cargo vessel*** 31
 Ferry*** 32

RECREATIONAL VESSELS

All types of pleasure craft 40

UTILITY CRAFT

Tug barge 50
 Tug and towboat 51
 Barge and tow 52
 Drilling rig 53
 Platform vessel 54
 Factory vessel 55
 Research vessel 56
 All other utility craft*** 57

MISCELLANEOUS

Vessels not otherwise specified 60

* Containership categories should be assigned only to vessels having fixed container cells or regularly carrying multi-tier container deckloads.

** Passenger categories should be assigned only to vessels carrying more than 12 passengers for hire.

*** Includes floating cranes, dredges, docks, etc.

3. (i) If applicant indicated "2" for any vessel listed above in column 5(f), please indicate:

NAME OF VESSEL	OWNER	OWNER'S MAILING ADDRESS

PART II (CONT'D)			
6. Items 7 through 10 are optional methods of establishing financial responsibility. Check the appropriate box(es) below and answer only the item(s) which are applicable to this application.			
☐ Insurance (Answer Item 7)	☐ Surety Bond (Answer Item 8)	☐ Guaranty (Answer Item 9)	☐ Self-insurer (Answer Item 10)
7. Name and address of applicant's insurer. (Insurance Form CG-5358-9 must be filed before a Certificate will be issued. If applicant is applying for a Master Certificate, the correct Insurance Form is CG-5358-9A.)			
8. Total amount of surety bond. (Surety Bond CG-5358-9B must be filed before a Certificate will be issued.)			
\$ _____			
a. Name and address of applicant's surety			
9. Name and address of applicant's guarantor. (Guaranty Form CG-5358-9C and all required financial data must be filed before a Certificate will be issued. If applicant is applying for a Master Certificate, the correct guaranty Form is CG-5358-9D.)			
a. Guarantor's fiscal year			
_____ (Month)	_____ (Day)	_____ (Month)	_____ (Day)
10. If applicant intends to qualify as a self-insurer, attach all required financial data and indicate fiscal year			
_____ (Month)	_____ (Day)	_____ (Month)	_____ (Day)

DECLARATION (PART III OF 4 PARTS)

11. Applicant's mailing address (Street, Number, Post Office Box, City, State or Country and ZIP Code in the United States)

13. Type or print in this space the name and title of the official who is signing this application

14. Address of principal office in United States (if any)

12. Telex number and answer back

15. Telephone Number (Area Code and Number)

I DECLARE that I have examined this application, including any accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Furthermore, it is agreed that the applicant named in item 1 of Part I above is the responsible operator of all vessels now listed in or later added to this application. I also agree that in the event the agent designated in item 4 of Part I above, or his replacement as may be appointed later with the approval of the U. S. Coast Guard, cannot be served due to death, disability, or unavailability, the Commandant, U. S. Coast Guard, becomes the agent for service of process. I have signed this application in my above-indicated capacity as an authorized official of the applicant, or, if acting under a power of attorney, under the power vested in me by the applicant as evidenced by the attached documents.

IMPORTANT

DATE

SIGNATURE OF ABOVE OFFICIAL

NOTE: Please be sure that Parts I, II, and III have been completed in full, and that Part III has been dated and signed. Then proceed to Part IV, attached.

NO CERTIFICATE WILL BE ISSUED UNLESS A COMPLETED APPLICATION FORM HAS BEEN RECEIVED, PROCESSED AND APPROVED - 33 CFR 130.

COMMENTS

The statements hereinabove set forth are made subject to penalties prescribed by law for any person who knowingly and willfully makes false statements on any matter within the jurisdiction of an agency of the United States (18 USC 1001)

CONCURRENCE OF AGENT (PART IV OF 4 PARTS)

Part IV-A must be completed by the person designated in item 4 of Part I to serve as applicant's United States agent for service of legal process. Part IV-B must be completed by the applicant. After Parts IV-A and IV-B are completed, Part IV should be submitted to the U. S. Coast Guard by the applicant or by the agent, either separately or together with Parts I, II and III. (Part IV need not be completed if the agent designated in item 4 of Part I already has submitted to the U. S. Coast Guard an acceptable blanket Concurrence of Agent, agreeing to serve on behalf of certain applicants who designate such agent. Part IV also need not be completed if the applicant is a United States entity and has appointed itself as agent in item 4 of Part I).

PART IV - A

It is hereby agreed that _____

shall serve as the herein named applicant's United States agent for service of legal process for purposes of Part 130, Title 33, CFR. This designation and agreement shall cease immediately in the event the applicant designates a new agent acceptable and agreed to by the U. S. Coast Guard.

Date: _____

Signature of person signing on behalf of agent: _____

Title: _____

Business Address: _____

PART IV - B (TO BE COMPLETED BY APPLICANT)

Name of applicant (From item 1): _____

Signature of person signing on behalf of applicant: _____

(Person signing here should also sign in appropriate place on Part III)

Date: _____

Type or Print Name and Title: _____

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-9 (6-83)

INSURANCE CO. FORM NO. _____

INSURANCE FORM CG-5358-9 FURNISHED AS EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER SUBSECTION 311(p) OF THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

(Name of Insurer) _____
 (hereinafter "Insurer") hereby certifies that for purposes of complying with the provisions of subsection 311(p) of the Federal Water Pollution Control Act, as amended (hereinafter "Act"), each of the vessel operators specified in the schedules below is insured by it, in respect to each of the vessels respectively specified therein, against oil or hazardous substances removal cost liability to the United States to which such vessel operators could be subjected under section 311 of the Act. The amount of liability to which a vessel operator may be subjected under section 311 of the Act and which is insured herein is:

1. In the case of a vessel which is an "inland oil barge" (as defined in section 311 of the Act) at the time of an incident which causes the United States Government to incur removal costs, \$125 per gross ton or \$125,000, whichever is greater; or

2. In the case of a vessel which is not an "inland oil barge" (as defined in section 311 of the Act) at the time of an incident which causes the United States Government to incur removal costs, \$150 per gross ton (or for a vessel carrying oil or hazardous substances as cargo, \$250,000, whichever is greater).

The foregoing amount of insurance coverage provided by the Insurer on behalf of the United States Government in respect to any vessel specified herein is not conditioned or dependent in any way upon any agreement or understanding between an assured operator and the Insurer that any such vessel is or is not an "inland oil barge", will or will not carry oil or certain hazardous substances, or will or will not operate in certain waters.

(Name of Agent) _____ with offices located at _____ is hereby designated as the Insurer's agent for service of process for the purposes of section 311 of the Act and implementing rules at Part 130 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to his death, disability, or unavailability, the Commandant, U.S. Coast Guard, becomes the agent for service of process.

The Insurer consents to be sued directly in respect of any claim against any of the

operators arising under subsections 311 (f) and (g) of the Act; provided, however, that in any such direct action its liability per vessel in any one incident shall not exceed, in the case of an inland oil barge, \$125 per gross ton of the barge or \$125,000 whichever is greater. In the case of any other vessel, its liability per vessel in any one incident shall not exceed \$150 per gross ton of the vessel (or, for a vessel carrying oil or hazardous substances as cargo, \$250,000, whichever is greater). The Insurer shall be entitled to invoke only the rights and defenses permitted by section 311 of the Act to the vessel operator and the rights and defenses permitted by section 311 of the Act to the Insurer if an action were brought against the Insurer by the operator.

The insurance evidenced by this undertaking shall be applicable only in relation to incidents occurring on or after the effective date and before the termination date of this undertaking, and shall be applicable only to incidents giving rise to claims under subsections 311 (f) and (g) of the Act in respect to any of the below-listed vessels.

The effective date of this undertaking shall, for each vessel listed below, be the date the vessel is named in or added to the schedules below. For each vessel, the termination date of this undertaking shall be 30 days after the date of receipt of written notice by the U.S. Coast Guard (USCG) that the Insurer has elected to terminate the insurance evidenced by this undertaking, and has so notified the vessel operator.

However, for any vessel which is carrying oil or hazardous substances in bulk as cargo that has been loaded before the scheduled date of termination, the termination shall not take effect until (1) completion of discharge of such cargo, or (2) until 60 days after the date of receipt by the USCG of written notice that the Insurer has elected to terminate the insurance evidenced by this undertaking, whichever date is earlier.

Termination of this undertaking as to any vessel shall not affect the liability of the Insurer in connection with an incident occurring prior to the date such termination becomes effective.

If during the currency of this undertaking a below-named operator requests that an additional vessel be made subject to this undertaking and if the Insurer should accede to the request and should so notify the USCG, then the vessel shall be included in the schedules below.

If more than one insurer joins in executing this document, that action constitutes joint and several liability on the part of the insurers. The definitions in 33 CFR 130.2 apply to this undertaking.

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Effective Date of Coverage for Vessels
Originally Named on This Undertaking:
Day/month/year _____

(Name of Insurer) _____
(Mailing Address) _____

(Signature of Official Signing on Behalf of
Insurer) _____

(Typed Name and Title of Signer) _____

Insurance Form CG-5358-9 (6/83) No. _____

SCHEDULE OF VESSELS AND ASSURED OPERATORS

Vessel	Gross tons	Assured operator
--------	------------	------------------

Insurance Form CG-5358-9 (6/83) No. _____

SCHEDULE OF VESSELS AND ASSURED OPERATORS ADDED TO ABOVE SCHEDULE

Vessel	Gross tons	Assured operator	Date added
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Insurance Form CG-5358-9 (6/83) No. _____

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-9A (6/83)

MASTER INSURANCE FORM No. _____

MASTER INSURANCE FORM CG-5358-9A FURNISHED AS EVIDENCE OF FINANCIAL RESPONSIBILITY FOR BUILDERS, REPAIRERS, SCRAPERS, OR SELLERS OF VESSELS UNDER SUBSECTION 311(p) OF THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

(Name of Insurer) _____
(hereinafter "Insurer") hereby certifies that
(Name of Assured) _____ (hereinafter the "Assured") is insured by it against oil or hazardous substances removal cost liability to the United States for purposes of complying with the provisions of subsection 311(p) of the Federal Water Pollution Control Act, as amended, (hereinafter "Act"). This undertaking shall be applicable in relation to vessels which the Assured may from time to time hold for purposes of construction, repair, scrapping, or sale. The maximum amount of insurance evidenced by this undertaking is \$150 per gross ton of any such vessel or \$250,000, whichever is greater, not to exceed \$_____. (This amount must not be less than \$250,000) per vessel in anyone incident. The foregoing amount of insurance coverage provided by the Insurer on behalf of the United States

Government in respect to any of the above-mentioned vessels is not conditioned or dependent in any way upon any agreement or understanding between the Assured and the Insurer that any of the vessels is or is not an "inland oil barge" (as defined in section 311 of the Act), will or will not carry oil or certain hazardous substances, or will or will not operate in certain waters.

(Name of Agent) _____
with offices at _____, is hereby designated as the Insurer's agent for service of process for the purposes of section 311 of the Act and implementing rules at Part 130 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to his death, disability, or unavailability, the Commandant, U.S. Coast Guard becomes the agent for service of process.

The Insurer consents to be sued directly in respect of any claim against the Assured arising under subsections 311 (f) or (g) of the Act; provided, however, that in any such direct action (1) its liability per vessel in any one incident shall not exceed the amount stipulated in the first paragraph of this undertaking and (2) it shall be entitled to invoke only the rights and defenses permitted by section 311 of the Act to the Assured and the rights and defenses permitted by section 311 of the Act to the Insurer if an action were brought against the Insurer by the Assured.

The insurance evidenced by this undertaking shall be applicable only in relation to incidents giving rise to claims under subsection 311 (f) and (g) of the Act in respect to any of the above-mentioned vessels, occurring on or after the below-specified effective date of this undertaking and before the termination date of this undertaking. The termination date shall be the date 30 days after the date of receipt by the U.S. Coast Guard (USCG) of written notice that the Insurer has elected to terminate the insurance evidenced by this undertaking and has so notified the Assured.

However, for any of the above-mentioned vessels which are carrying oil or hazardous substances in bulk as cargo that has been loaded before the scheduled date of termination, the termination shall not take effect (1) until completion of discharge of such cargo, or (2) until 60 days after the date of receipt by the USCG of written notice the Insurer has elected to terminate the insurance evidenced by this undertaking and has so notified the Assured, whichever date is earlier.

Termination of this undertaking shall not affect the liability of the Insurer in connection with an incident occurring before the date termination becomes effective.

If more than one insurer joins in executing this undertaking, that action constitutes joint and several liability on the part of the

insurers. The definitions in 33 CFR 130 apply to this undertaking.

Effective Date: _____

(Name of Insurer) _____

(Mailing Address) _____

By: _____

(Signature of Official Signing on Behalf of Insurer) _____

(Typed Name and Title of Signer) _____

Master Insurance Form CG-5358-9A (6/83)
No. _____

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-9B (6/83)

SURETY Co. Bond No. _____

OIL AND HAZARDOUS SUBSTANCES
DISCHARGE SURETY BOND FORM
CG-5358-9B FURNISHED AS EVIDENCE
OF FINANCIAL RESPONSIBILITY
UNDER SUBSECTION 311(p)
OF THE FEDERAL WATER POLLUTION
CONTROL ACT, AS AMENDED

KNOW ALL MEN BY THESE PRESENTS, that We (Name of Vessel Operator) _____ of (City) _____ (State and Country) _____, as Principal (hereinafter called Principal), and (Name of Surety) _____, a company created and existing under the laws of (State and Country) _____, and authorized to do business in the United States, as Surety (hereinafter called Surety), are held and firmly bound under the United States of America for oil or hazardous substances removal cost liability under section 311 of the Federal Water Pollution Control Act, as amended, (hereinafter "Act") in the penal sum of \$ _____ (Penal Sum May Not Be Less Than \$250,000)

for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents. The foregoing penal sum is not conditioned or dependent in any way upon any agreement or understanding between the Principal and Surety that any vessel(s) is or is not an "inland oil barge", will or will not carry oil or certain hazardous substances, or will or will not operate in certain waters.

WHEREAS, the Principal intends to become or is a holder of a Certificate of Financial Responsibility (Water Pollution) under the provisions of Part 130 of Title 33, Code of Federal Regulations, and has elected to file with the U.S. Coast Guard (USCG) such a bond as will insure financial responsibility to meet any liability for removal costs incurred under section 311 of the Act; and

WHEREAS, this bond is written to ensure compliance by the Principal with the requirements of subsection 311(p) of the Act, and shall inure to the benefit of claimants under subsections 311 (f) and (g) of the Act;

NOW, THEREFORE, the condition of this obligation is that if the Principal shall pay or cause to be paid to claimants any sum or sums for which the Principal may be held legally liable under subsections 311 (f) or (g) of the Act, then this obligation, to the extent of such payment, shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond. In no event shall the Surety's obligation hereunder exceed the amount of the penalty, provided that the Surety furnishes written notice to the USCG forthwith of all suits filed, judgments rendered, and payments made by the Surety under this bond.

Any claim for which the Principal may be liable under subsections 311 (f) or (g) of the Act may be brought against the Surety; *Provided, however*, that in the event of a direct claim the Surety shall be entitled to invoke only (1) the rights and defenses permitted by section 311 of the Act to the Principal (vessel operator) and (2) the rights and defenses permitted by section 311 of the Act to the Surety if an action were brought against the Surety by the Principal.

This bond is effective the _____ day of _____, 19____, 12:01 a.m., standard time at the address of the Surety as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice sent by certified mail to the other party with a copy (plainly indicating that the original notice was sent by certified mail) to the USCG at its office in Washington, D.C. The termination becomes effective thirty (30) days after actual receipt by the USCG or written notice; *provided, however*, that with respect to any of the Principal's vessels carrying oil or hazardous substances in bulk as cargo that has been loaded before the time the termination would otherwise have become effective, the termination shall not become effective (1) until completion of discharge of such cargo, or (2) until 60 days after the date of receipt by the USCG of written notice of termination of the bond by the above-named Principal or the Surety under the conditions set forth above, whichever date is earlier. The Surety shall not be liable hereunder in connection with an incident occurring after the termination of this bond as herein provided, but termination shall not affect the liability of the Surety in connection with an incident

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occurring before the date the termination becomes effective.

The Surety designates (Name of Agent) _____ with offices at _____, as the Surety's agent for service of process for the purposes of section 311 of the Act and implementing rules at Part 130 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to his death, disability, or unavailability; the Commandant, U.S. Coast Guard, becomes the agent for service of process.

If more than one surety company joins in executing this bond, that action constitutes joint and several liability on the part of the sureties. The definitions in 33 CFR 130.2 apply to this bond.

In witness whereof, the above-named Principal and Surety have executed this instrument on the _____ day of _____, 19____.

(Please type name of signer under each signature. In the case of partnership, each partner must sign.)

PRINCIPAL

Individual Principal or Partner _____
(Business Address) _____

Individual Principal or Partner _____
(Business Address) _____

Individual Principal or Partner _____
(Business Address) _____

Corporate Principal _____
Business Address _____

By _____
Title _____

(Affix Corporate Seal)

CG-5358-9B (6/83)

Surety Co. Bond No. _____

SURETY

Corporate Surety _____
Business address _____

By _____
Title _____

(Affix Corporate Seal)

CG-5358-9B (6/83)

Surety Co. Bond No. _____

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DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-9C (6/83)

GUARANTY No. _____

GUARANTY FORM CG-5358-9C IN RESPECT OF LIABILITY FOR DISCHARGE OF OIL AND HAZARDOUS SUBSTANCES

1. WHEREAS (Name of Vessel Operator) _____ (hereinafter the "Operator") is the Operator of the Vessel(s) specified in the annexed schedules (hereinafter "Vessel" or "Vessels"), and whereas the Operator desires to establish its financial responsibility in accordance with subsection 311(p) of the Federal Water Pollution Control Act, as amended, (hereinafter the "Act"), The undersigned Guarantor hereby guarantees, subject to the provisions of clause 4 hereof, to discharge the Operator's legal liability to the United States in respect to a claim for oil or hazardous substances removal costs under subsections 311 (f) and (g) of the Act, in the event that such legal liability has not been discharged by the Operator within 21 days after the claimant has obtained a final judgment (after appeal, if any) against the Operator from a United States Federal or State Court of competent jurisdiction, or has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Operator, with the approval of the Guarantor. Upon payment of the agreed sum, the Operator is to be fully, irrevocably and unconditionally discharged from all further liability to the claimant with respect to the claim. The Operator's legal liability under section 311 of the Act, which is covered by this Guaranty, is:

- a. In the case of a Vessel which is an "inland oil barge" (as defined in section 311 of the Act) at the time of an incident which causes the United States Government to incur removal costs, \$125 per gross ton or \$125,000, whichever is greater; or
- b. In the case of a Vessel which is not an "inland oil barge" (as defined in section 311 of the Act) at the time of an incident which causes the United States Government to incur removal costs, \$150 per gross ton (or for a Vessel carrying oil or hazardous substances as cargo, \$250,000, whichever is greater).

The foregoing amount of coverage provided by the Guarantor on behalf of the United States Government in respect to any of the Vessels is not conditioned or dependent in any way upon any agreement or understanding between the Operator and the Guarantor that any of the Vessels is or is

not an "inland oil barge," will or will not carry oil or certain hazardous substances, or will or will not operate in certain waters.

2. The Guarantor's liability per Vessel in any one incident shall not exceed, in the case of an inland oil barge, \$125 per gross ton of such barge or \$125,000, whichever is greater, and in the case of any other Vessel, \$150 per gross ton of such Vessel (or, for a Vessel carrying oil or hazardous substances as cargo, \$250,000, whichever is greater), provided that the Guarantor furnishes written notice to the U.S. Coast Guard (USCG) forthwith of all suits filed, judgments rendered, and payments made by the Guarantor under this Guaranty.

3. The Guarantor's liability under this Guaranty shall attach only in relation to incidents giving rise under subsections 311 (f) and (g) of the Act to causes of action against the Operator in respect of any of the Vessels for removal of oil or hazardous substances, within the meaning of section 311 of the Act, occurring on or after the effective date of this Guaranty, which, as to each of the Vessels, shall be the date the Vessel is named in Schedule A or added to Schedule B below, and before the termination date of this Guaranty, which, as to each of the Vessels, shall be the date 30 days after the date of receipt by the USCG of written notice that the Guarantor has elected to terminate this Guaranty, with respect to any of the Vessels, and has so notified the Operator; *provided, however*, that with respect to any Vessel carrying oil or hazardous substances in bulk as cargo that has been loaded before the scheduled date of termination, the termination shall not become effective (1) until completion of discharge of such cargo, or (2) until 60 days after the date of receipt by the USCG of written notice of termination, whichever date is earlier. Termination of this Guaranty as to any of the Vessels shall not affect the liability of the Guarantor in connection with an incident occurring before the date termination becomes effective.

4. Any claim against the Operator arising under subsections 311 (f) or (g) of the Act may be brought directly against the Guarantor; *provided, however*, that in the event of a direct claim the Guarantor shall be entitled to invoke only (1) the rights and defenses permitted by section 311 of the Act to the vessel operator and (2) the rights and defenses permitted by section 311 of the Act to the Guarantor if the action were brought against the Guarantor by the operator.

5. If, during the currency of this Guaranty, the Operator requests that a vessel operated by the Operator, and not specified in the annexed Schedules A and B, should become subject to this Guaranty, and if the Guarantor accedes to the request and so notifies the USCG in writing, then the vessel

becomes one of the Vessels included in Schedule B and subject to this Guaranty.

6. The Guarantor hereby designates (Name of Agent) _____ with offices at _____, as the Guarantor's agent in the United States for service of process for purposes of section 311 of the Act and implementing rules at Part 130 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to his death, disability or unavailability, the Commandant, U.S. Coast Guard, becomes the agent for service of process.

7. If more than one guarantor joins in executing this Guaranty, that action constitutes joint and several liability on the part of the guarantors.

8. The definitions in 33 CFR 130 apply to this Guaranty.

Effective Date: (Month/Day/Year and Place of Execution) _____

(Type Name of Guarantor) _____

(Type Address of Guarantor) _____

By: (Signature) _____

(Type Name and Title of Person Signing Above) _____

CG-5358-9C (6/83) Guaranty No. _____

SCHEDULE A—VESSELS INITIALLY LISTED

Vessels	Gross tons	Operator
CG-5358-9C	(6/83)	Guaranty No.

SCHEDULE B—VESSELS ADDED IN ACCORDANCE WITH CLAUSE 5

Vessels	Gross tons	Operator	Date added
CG-5358-9C	(6/83)	Guaranty No.	

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-9D (6/83) MASTER GUARANTY No. _____

MASTER GUARANTY FORM CG-5358-9D IN RESPECT OF LIABILITY FOR DISCHARGE OF OIL AND HAZARDOUS SUBSTANCES (BUILDERS, REPAIRERS, SCRAPPERS, OR SELLERS OF VESSELS)

1. WHEREAS (Name of Vessel Operator) _____ (hereinafter the "Operator") is, or from time to time may become, the Operator of a vessel or vessels held for purposes of construction, repair, scrapping, or sale (hereinafter "Vessel" or "Vessels"), and

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whereas the Operator desires to establish its financial responsibility in accordance with subsection 311(p) of the Federal Water Pollution Control Act, as amended, (hereinafter the "Act"), the undersigned Guarantor hereby guarantees, subject to the provisions of clause 4 hereof, to discharge the Operator's legal liability to the United States in respect to a claim for oil or hazardous substances removal costs under subsections 311 (f) and (g) of the Act, in the event that such legal liability has not been discharged by the Operator within 21 days after the claimant has obtained a final judgment (after appeal, if any) against the Operator from a United States Federal or State Court of competent jurisdiction, or has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Operator, with the approval of the Guarantor, whereby, upon payment of the agreed sum, the Operator is to be fully, irrevocably and unconditionally discharged from all further liability to the claimant with respect to the claim. The amount of coverage provided by this Guaranty on behalf of the United States is the amount of the Operator's legal liability under section 311 of the Act. This amount is not conditioned or dependent in any way upon any agreement or understanding between the Operator and the Guarantor that any of the Vessels is or is not an "inland oil barge" (as defined in section 311 of the Act), will or will not carry oil or certain hazardous substances, or will or will not operate in certain waters.

2. The Guarantor's maximum liability per Vessel in any one incident is \$150 per gross ton of the Vessel or \$250,000, whichever is greater, but shall in no event exceed _____. (This amount must not be less than \$250,000) provided that the Guarantor furnishes written notice to the U.S. Coast Guard (USCG) forthwith of all suits filed, judgments rendered, and payments made by the Guarantor under this Guaranty.

3. The Guarantor's liability under this Guaranty shall attach only in relation to incidents giving rise under subsections 311 (f) and (g) of the Act to causes of action against the Operator in respect of any of the Vessels for removal of oil or hazardous substances, within the meaning of section 311 of the Act, occurring on or after the effective date of this Guaranty and before the termination date of this Guaranty, which shall be the date 30 days after the date of receipt by the USCG of written notice the Guarantor has elected to terminate this Guaranty and has so notified the Operator; provided, however, that with respect to any Vessel which is carrying oil or hazardous substances in bulk as cargo that has been loaded before the scheduled date of termination, the termination shall not become effective (1) until completion of discharge of

such cargo, or (2) until 60 days after the date of receipt by the USCG of written notice of termination, whichever date is earlier. Termination of this Guaranty as to the Vessels shall not affect the liability of the Guarantor in connection with an incident occurring before the date termination becomes effective.

4. Any claim against the Operator arising under subsection 311 (f) or (g) of the Act may be brought directly against the Guarantor; provided, however, that in the event of a direct claim the Guarantor shall be entitled to invoke only (1) the rights and defenses permitted by section 311 of the Act to the Vessel Operator and (2) the rights and defenses permitted by section 311 of the Act to the Guarantor if the action was brought against the Guarantor by the Operator.

5. The Guarantor hereby designates (Names of Agent) _____, with office at _____, as the Guarantor's agent in the United States for service of process in purposes of section 311 of the Act and implementing rules at Part 130 of Title 33 Code of Federal Regulations. If the designated agent cannot be served due to his death, disability, or unavailability, the Commandant, U.S. Coast Guard, becomes the agent for service of process.

6. If more than one guarantor joins in executing this Guaranty, that action constitutes joint and several liability on the part of the guarantors.

7. The definitions in 33 CFR 130 apply to this Guaranty.

Effective Date: (Month/Day/Year and Place of Execution) _____

(Type Name of Guarantor) _____

(Type Address of Guarantor) _____

(Signature) _____

(Type Name and Title of Person Signing Above) _____

CG-5358-9D (6/83) Guaranty No. _____

PART 131—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—ALASKA PIPELINE

Sec.

131.1 Scope.

131.2 Definitions.

131.3 General.

131.4 Certificates, how obtained.

131.5 Financial responsibility, amount.

131.6 Financial responsibility, how established.

131.7 Certificates, issuance.

131.8 Certificates, denial or revocation.

131.9 Fees.

131.10 Enforcement.

Sec.

131.11 Service of process.

APPENDIX—FINANCIAL RESPONSIBILITY APPLICATION AND SUPPORTING FORMS

AUTHORITY: 43 U.S.C. 1653(c); 33 U.S.C. 1321(p); E.O. 11735, as amended by sec. 4 of E.O. 12418 (48 FR 20892); 49 CFR 1.46.

SOURCE: CGD 83-039, 48 FR 46193, Oct. 11, 1983, unless otherwise noted.

EDITORIAL NOTE: The information collection requirements contained in this part were approved by the Office of Management and Budget under control number 2115-0536.

§ 131.1 Scope.

(a) This part implements section 204(c) of the Trans-Alaska Pipeline Authorization Act, and applies to all operators of vessels carrying oil transported through the trans-Alaska pipeline, engaged in any segment of the transportation of that oil between the terminal facilities of the trans-Alaska pipeline and the port under the jurisdiction of the United States where that oil is first brought ashore.

(b) Information obtained under this part is used to determine the financial responsibility of vessel operators.

§ 131.2 Definitions.

As used in this part:

(a) "Act" means Title II of Pub. L. 93-153, the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653).

(b) "Applicant" means any vessel "operator," as defined in paragraph (i) of this section, who has applied for a Certificate.

(c) "Application" means Application for Certificate of Financial Responsibility (Alaska Pipeline), Form CG-5358-3.

(d) "Certificant" means any operator, as defined in paragraph (i) of this section, who has been issued a Certificate.

(e) "Certificate" means a Certificate of Financial Responsibility (Alaska Pipeline), Form CG-5358-6 issued by the U.S. Coast Guard under this part.

(f) "Commandant" means the Commandant, U.S. Coast Guard.

(g) "Insurer" means one or more acceptable insurance companies, corporations or associations of underwriters, shipowners' protection and indemnity associations, or other persons acceptable to the Coast Guard.

(h) "Oil" means only crude oil which has been transported through the trans-Alaska pipeline.

(i) "Operator" or "vessel operation" means any person, including, but not limited to, an owner or a demise charterer, who conducts or who is responsible for the operator of a vessel.

(j) "Owner" or "vessel owner" means any person holding legal or equitable title to a vessel; *Provided, however,* That a person holding legal or equitable title to a vessel solely as security is not an owner. In a case where a Certificate of Registry has been issued, the owner is the person or persons whose name or names appear on the vessel's Certificate of Registry; *Provided, however,* That where a Certificate of Registry has been issued in the name of the president or secretary of an incorporated company under 46 U.S.C. 15, such incorporated company is the owner.

(k) "Person" includes, but is not limited to, an individual, a government, a firm, a corporation, an association, a partnership, a joint-stock company, a business trust, or an unincorporated organization.

(l) "Public vessel" means a vessel, not engaged in commerce, the operator of which is the Government of the United States or the government of a foreign nation.

(m) "Underwriter" means an insurer, a surety company, a guarantor, or any other person, other than the operator, which undertakes to pay the liability of the operator.

(n) "United States" means any place under the jurisdiction of the United States, including, but not limited to, the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Trust Territory of the Pacific Islands.

(o) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

§ 131.3 General.

(a) No vessel, except a public vessel, shall load oil at a terminal facility of the trans-Alaska pipeline, unless that

vessel has a Certificate covering it and its operator.

(b) No vessel, except a public vessel, shall load, from any source, including, but not limited to, another vessel or a deepwater port as defined in the Deepwater Port Act of 1974, 33 U.S.C. 1502, oil, that having been once loaded aboard a vessel at a terminal facility of the trans-Alaska pipeline, has not, at the time of such loading, yet been brought ashore at a port under the jurisdiction of the United States, unless the vessel to be loaded has a Certificate covering it and its operator.

(c) No vessel, except a public vessel, shall transfer to any other vessel, whether for storage, carriage, or any other purpose, oil, that having been once loaded aboard a vessel at a terminal facility of the trans-Alaska pipeline, has not, at the time of such transfer, yet been brought ashore at a port under the jurisdiction of the United States, unless the vessel to which the oil is to be transferred has a Certificate covering it and its operator.

(d) No vessel, except a public vessel, shall have on board oil, that, having been once loaded aboard a vessel at a terminal facility of the trans-Alaska pipeline, has not yet been brought ashore at a port under the jurisdiction of the United States, unless that vessel has a Certificate covering it and its operator.

§ 131.4 Certificates, how obtained.

(a) Any operator who wishes to be issued a Certificate shall file, or cause to be filed, with the Coast Guard an application, fees, and evidence of financial responsibility, at the following address:

Commandant (G-MER-1), U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593.

(b) Application forms may be obtained from the Headquarters address set forth in paragraph (a) of this section.

(c) Each operator shall file a completed application, fees, and evidence of financial responsibility, at least 45 days before the date upon which the vessel to be covered by the Certificate for which application is made is to

load oil. Applications are processed in the order in which they are filed.

(d) All spaces on the application shall be filled in before filing. Spaces must be filled in with the information requested, the phrase "Not Applicable," or the word "None". Each application shall contain—

(1) Complete name and mailing address of applicant;

(2) Applicant's form of organization;

(3) Date and State of applicant's incorporation or organization;

(4) Names and addresses of each partner, if applicable;

(5) Name and address of applicant's U.S. agent for service of process;

(6) Identifying data for all vessels to be covered by the Certificates for which application is made; and

(7) Identification of the evidence of financial responsibility upon which the Certificates being applied for are based.

(e) All applications and supporting documents shall be in English. All monetary term shall be in United States currency.

(f) Each application shall—

(1) Be signed by the applicant or an authorized official of the applicant, whose title shall be shown on the application; and

(2) Be accompanied by a written statement proving authority to sign, where the signer is not disclosed as an individual applicant, a partner in a partnership applicant, or an officer of a corporate applicant.

(g) Written application for renewal Certificates shall be made to the Commandant (G-MER-1), at least 45 days, but not earlier than 60 days, before the expiration date of existing Certificates. Each renewal application shall be accompanied by appropriate recertification fees, identify any changes since the original application, was filed, and set forth the correct information in full.

(h) If, before the issuance of a Certificate, the applicant becomes aware of a change in any of the facts contained in the application, request for renewal, or supporting documentation, the applicant shall, in writing, within five days of becoming aware of the change, notify the Commandant (G-MER-1) of the change.

(l) All request for assistance, including telephone inquiries, in completing applications should be directed to the Commandant's staff in Washington, D.C., (202) 267-0530.

[CGD 83-039, 48 FR 46193, Oct. 11, 1983; as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 131.5 Financial responsibility, amount.

(a) Each applicant shall establish financial responsibility which shows the ability to pay \$14 million to meet its liability section 204(c) of the Act.

(b) The amount required by paragraph (a) of this section is separate from and in addition to the amount, if any, required of the applicant under Part 130 of this subchapter.

§ 131.6 Financial responsibility, how established.

(a) An applicant shall establish its financial responsibility by any one of, or by any acceptable combination of, the following methods:

(1) Filing with the Commandant (G-MER-1) an insurance form CG-5358-4, executed by an insurer acceptable to the Coast Guard.

(2) Filing with the Commandant (G-MER-1) a surety bond form CG-5358-4A, executed by a surety company which is acceptable to the Coast Guard. To be acceptable, surety companies, must, at a minimum, be certified by the United States Department of the Treasury with respect to the issuance of Federal bonds in the penal sum of the bonds to be issued under this part.

(3) An applicant may establish financial responsibility as a self-insurer by maintaining in the United States working capital and net worth, in the amounts set forth in this subparagraph. The amount of working capital and net worth to be maintained by the applicant shall be determined by the number of vessels operated by the applicant as follows: for one vessel, \$19,000,000; for two vessels, \$24,000,000; for three vessels, \$28,000,000; for four vessels, \$31,000,000; for five vessels, \$33,000,000; and for six or more vessels, \$34,000,000. As used in this subparagraph, "working capital" means the amount of current assets located

in the United States, less all current liabilities; and "net worth" means the amount of all assets located in the United States, less all liabilities. Maintenance of the required working capital and net worth shall be demonstrated by submitting with the initial application the items specified in paragraph (a)(3)(i) of this section for the last fiscal year preceding the date of application. Thereafter, so long as the application is pending or the certificate is holding a Certificate, the applicant/certificant shall submit the items specified in paragraphs (a)(3) (i) and (ii) of this section and shall be subject to the provision of paragraphs (a)(3) (iii), (iv)(V) of this section:

(i) An annual, current, nonconsolidated balance sheet and an annual, current, nonconsolidated statement of income and surplus, for each fiscal year certified by an independent Certified Public Accountant. Said Financial statements are to be accompanied by an additional statement from the Certified Public Accountant, certifying to the total amount of current assets and total assets included in the accompanying balance sheet which are located in the United States and acceptable for purposes of this part, i.e., not pledged for the purposes of Part 130 of this subchapter. If the balance sheet and statement of income and surplus cannot be submitted in non-consolidated form, there must also be submitted an additional statement prepared by the involved Certified Public Accountant, certifying to the amount by which the applicant's/certificant's—

(A) Assets, located in the United States and acceptable under this part, exceed total (i.e., worldwide) liabilities; and

(B) Current assets, located in the United States and acceptable under this part, exceed total (i.e., worldwide) current liabilities. Such additional statement must specifically name the applicant/certificant, indicate that the amounts so certified relate only to the applicant/certificant, apart from any other entity, and identify the consolidated financial statement to which it applies.

(ii) Supplementary statements as follows: First, a statement prepared by

§ 131.6

the Certified Public Accountant, certifying that, as of the end of the first six months of the applicant's certificant's current fiscal year, the applicant's/certificant's working capital and net worth have not fallen below the required amounts and, second, a quarterly affidavit filed by the corporate Treasurer (or equivalent official for a noncorporate entity) stating that the working capital and the net worth, have not, as of the close of the quarter, fallen below the required amounts. Such affidavits are required only for the first and third fiscal-year quarters.

(iii) Such additional financial information as the Coast Guard determines necessary in particular cases shall be submitted.

(iv) All persons subject to paragraph (a)(3) of this section shall, in addition to all other reporting requirements, notify the Commandant (G-MER-1) within five days of the date such persons knew, or had reason to believe, that the amounts of working capital or net worth have fallen below the amounts required.

(v) All required annual financial statements shall be received by the Coast Guard within three calendar months after the close of the applicant's/certificant's fiscal year, and the six-month statements within three calendar months after close of such six-month period. Quarterly affidavits shall be received within 30 days of the close of the quarter being attested to. Upon written request, the Commandant (G-MER-1) grants a reasonable extension of the time limits imposed by this section; *Provided*, That the request is received 15 days before the statements are due, sets forth sufficient reason to justify the requested extension, and includes an estimate of the final calculation of working capital and of net worth. The Commandant does not consider requests for extensions of more than 45 days.

(vi) Failure to timely file any statement, data, or affidavit required by paragraph (a)(3) of this section shall cause the revocation of the Certificate.

(4) Filing with the Commandant (G-MER-1), a guaranty form CG-5358-4B, executed by a guarantor acceptable to the Coast Guard. To be accepta-

ble a guarantor must comply with all of the self-insurance provisions of paragraph (a)(3) of this section. However, the amounts of working capital and net worth required to be demonstrated by such guarantor shall not be less than the aggregate amounts underwritten as a guarantor and an applicant/certificant under this part, and Part 130 of this subchapter.

(5) Any other method specially justified and acceptable to the Coast Guard.

(b) Application form CG-5358-3, insurance form CG-5358-4, surety bond form CG-5358-4A, and guaranty form CG-5358-4B, as appended to this part, are hereby incorporated into this part. If more than one insurer, surety, or guarantor joins in executing an insurance form, surety bond form, or guaranty form, such action constitutes joint and several liability for such joint underwriters.

(c) Forms CG-5358-4 through CG-5358-4B and any other undertaking, filed under this part, shall expressly permit the commencement of an action in court for claims under section 204(c) of the Act by the claimant directly against the underwriter. Such forms and other undertakings shall also provide that, in the event such action is brought directly against the underwriter, such underwriter shall be entitled to invoke only—

(1) The rights and defenses permitted by the Act to the operator; and,

(2) The rights and defenses permitted by the Federal Water Pollution Control Act, as amended, to the underwriter, insofar as those rights and defenses are consistent with the purposes of the Act, if the action were brought against the underwriter by the operator.

(d) Each form submitted to the Coast Guard under this part shall set forth in full the correct legal name of the vessel operator to whom Certificates are to be issued.

(e) Financial data filed by applicants, certificants, and underwriters shall, if specifically requested, be kept confidential, to the extent permitted by the Freedom of Information Act.

(f) If, at any time after a Certificate has been issued, a certificant becomes aware of a change in any of the facts

contained in the application or supporting documentation, the certificant shall notify the Commandant (G-MER-1), in writing, within 10 days of becoming aware of the change.

[CGD 83-039, 48 FR 46193, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 131.7 Certificates, issuance.

(a) When financial responsibility as required by this part has been established in support of a properly completed application, a separate Certificate for each vessel listed on the application is issued by the Coast Guard. Certificates are issued only to vessel operators and are effective for two years from the date of the issue. The original Certificate shall be carried on the vessel named on the Certificate. Erasures or other alterations on a Certificate are prohibited (even if made by Government Authorities) and automatically void such Certificate.

(b) If for any reason, including a vessel's demise or transfer to a new operator, a certificant ceases to be the operator of a vessel, the certificant shall, within 30 days, complete the reverse side of the original Certificate for the involved vessel and return it to the Commandant (G-MER-1). Such Certificate is automatically void (whether or not returned to the Coast Guard), and its use is prohibited. If such Certificate has been lost or destroyed, the certificant shall instead submit the following written information to the Commandant (G-MER-1):

- (1) The number of the Certificate and the name of the vessel.
- (2) The date and reason why the certificant ceased to be the operator of the vessel.
- (3) The location of the vessel on the date certificant ceased to be the operator.
- (4) The name and mailing address of the person to whom the vessel was sold or transferred, if any.

[CGD 83-039, 48 FR 46193, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 131.8 Certificates, denial or revocation.

(a) Certificate is denied or revoked for any of the following reasons:

(1) Making any willfully false statement to the Coast Guard in connection with an application for an initial Certificate or request for a renewal Certificate or the retention of an existing Certificate.

(2) Failure of an applicant or certificant to establish or maintain financial responsibility.

(3) Failure to comply with or respond to lawful inquiries, regulations, or orders of the Coast Guard pertaining to activities subject to this part.

(4) Failure to timely file the statements of affidavits required by § 131.6(a)(3) (i) and (ii).

(5) Cancellation or termination of any insurance form, surety bond, guaranty or other undertaking issued under this part.

(b) Before the denial or revocation of a Certificate, the Commandant (G-MER-1) advises the applicant or certificant, in writing, of the intention to deny or revoke the Certificate, and states the reason therefor.

(c) If the reason for the intended revocation is—

(1) The cancellation or termination of any insurance, bond, guaranty, or other undertaking under this part, the revocation is effective either on the effective date of the cancellation or termination, or 10 days after the date of the notice of intention to revoke, whichever is later, unless the certificant, before such date, provides acceptable substitute evidence of financial responsibility, or demonstrates that the insurance, bond, guaranty, or other undertaking has not been cancelled or terminated; or

(2) The failure to file statements required under paragraph (a)(4) of this section, the revocation is effective 10 days after the date of the notice of intention to revoke, unless the certificant, before the effective date, demonstrates that the required statements were timely filed.

(d) If the intended denial or revocation is based upon any other reason, the applicant or certificant may request, in writing, a hearing to show that the applicant or certificant is in compliance with this part, and, if such request is received within 30 days after the date of the notification of intention to deny or revoke, the Coast

§ 131.9

Guard schedules a hearing. Hearings are conducted in accordance § 135.223 of this subchapter.

[CGD 83-039, 48 FR 46193, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 131.9 Fees.

(a) This section establishes the application fee imposed by the Coast Guard for processing applications, and also establishes the certification fee imposed for the issuance of Certificates.

(b) No Certificate is issued unless the fees set forth in paragraphs (d) and (e) of this section have been paid.

(c) Fees shall be paid in United States currency, by check, draft or postal money order made payable to the U.S. Coast Guard.

(d) Each applicant who submits an application for the first time shall pay an initial nonrefundable application fee of \$75. If, at a later date, the same applicant submits a request for a Certificate to cover an additional or renamed vessel, an additional application fee is not required, whether or not the applicant chooses to submit another application in connection with that request. However, once an application is withdrawn or denied for any reason, and the same applicant, holding no valid Certificates, wishes to reapply for a Certificate covering the same or additional vessels, a new application and application fee of \$75 shall be filed.

(e) In addition to the \$75 application fee, applicants shall pay a vessel certification fee of \$40 for each vessel listed in, or later added to, the application form. Where it becomes necessary to reissue a Certificate for any reason, including, but not limited to, a change of owner, a name change, a renewal, or a lost Certificate, the certificent shall pay the certification fee of \$40 for each reissued Certificate.

(f) Certification fees are refunded, upon receipt of a written request, if the application is withdrawn or denied before issuance of the Certificates. Overpayments of application and certification fees are refunded on request

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only if the refund is \$20 or more. However, any overpayments not refunded are credited, for the applicant's future use under this part, for a period of two years from the date of receipt of the monies by the Coast Guard.

§ 131.10 Enforcement.

(a) In the event any vessel is engaged in any of the activities prohibited by § 131.3, the Coast Guard—

(1) Denies the vessel entry to any port or place in the United States, or the navigable waters of the United States; and

(2) Detains the vessel at the port or place in the United States from which it is about to depart for any other port of place in the United States.

(b) Any person who fails to comply with this part, is subject to a fine of not more than \$10,000 for each failure.

§ 131.11 Service of process.

(a) When executing the forms required by this part, each applicant and underwriter shall designate thereon a person in the United States as its agent for service of process for the purposes of section 204(c) of the Act and of this part.

(b) Each designation shall be acknowledged in writing by the designee unless the designee has furnished the Coast Guard with a "master" or "blanket" concurrence showing it has agreed in advance to act as the United States agent for service of process for the applicants or underwriter in question.

(c) When the designated agent cannot be served because of death, disability, or unavailability, the Commandant becomes the agent for service of process.

(d) When serving the Commandant, the server shall also—

(1) Send to the applicant, certificent, or underwriter, by registered mail, at its last address on file with the Coast Guard, a copy of each document served upon the Commandant; and

(2) Attest to that mailing at the time service is made upon the Commandant.

APPENDIX—FINANCIAL RESPONSIBILITY APPLICATION AND SUPPORTING FORMS

Approval OMB No. 2115-0536

DEPARTMENT OF TRANSPORTATION
U. S. COAST GUARD
CG-5358-3 (6-83)

GENERAL
(PART 1 OF 4 PARTS)

INSTRUCTIONS

Please type or print clearly in ink and submit this application to the Chief, Financial Responsibility Division (G-WPR), Office of Marine Environment and Systems, U. S. Coast Guard Headquarters, 2100 - 2nd Street, S.W., Washington, DC 20593. APPLICANTS MUST ANSWER ALL QUESTIONS WITH THE INFORMATION REQUESTED OR THE PHRASE "NOT APPLICABLE" OR THE WORD "NONE". If more space is needed, please attach supplemental sheets.

APPLICATION FOR CERTIFICATE OF
FINANCIAL RESPONSIBILITY (ALASKA PIPELINE)

1. Legal name of applicant (legally responsible operator of all vessels listed Part II)

a. English equivalent of legal name if customarily written in language other than English

b. Trade name, (if any)

2. Is this the first time the above-named applicant is submitting application Form CG-5358-3 for an Alaska Pipeline Certificate?

☐ YES ☐ NO (If "NO", please complete Item "a" below.)

a. What control number was assigned to the first application?

THIS SPACE FOR USE BY USCG ONLY

3. State applicant's legal form of organization, i.e., whether operating as an individual, corporation, partnership, association, joint stock company, business trust, or other organized group of persons (whether incorporated or not), or a receiver, trustee, or other liquidating agent, and briefly describe current business activities and length of time engaged therein.

a. If a corporation, association, or other organization, please indicate:

Name of state or foreign country in which incorporated or organized

Date of incorporation or organization

b. If a partnership, please give name and address of each partner

4. Name and address of applicant's United States agent (or other person) authorized by applicant to accept legal service in the United States (See Part IV). (U.S. applicants may support themselves as agents, eliminating the need to complete Part IV.)

EVIDENCE OF FINANCIAL RESPONSIBILITY (PART II OF 4 PARTS)					
5. List each vessel which will carry oil that has been transported through the Trans-Alaska pipeline and which will require a Certificate of Financial Responsibility (Alaska Pipeline). Vessels for which the operator named in Item 1 is not responsible should not be listed in this form. In Column (f) indicate the number "1" if the operator is also the registered owner indicate "2" in column (f) if the operator is not the registered owner.					
Name of Vessel (a)	Type of Vessel (b)	Country of Registry (c)	Registration Number (d)	Gross Tons (e)	"1" or "2" (f)
5.(g) If applicant indicated "2" for any vessel listed above, in column 5(f), please indicate:					
Name of Vessel	Registered Owner	Owner's Mailing Address			
NOTE: This list of owners must be kept current by applicant.					

PART II (Cont'd)

6. Items 7 through 11 are the optional methods of establishing financial responsibility. Check the appropriate box(es) below and answer only the item(s) which are applicable to this application.

- ☐ Insurance (Answer Item 7) ☐ Surety Bond (Answer Item 8) ☐ Guaranty (Answer Item 9) ☐ Self-Insurer (Answer Item 10) ☐ Other (Answer Item 11)

7. Name and address of applicant's insurer (Insurance Form CG-3355-6 must be filed before a Certificate will be issued.)

8. Amount of surety bond (Surety Bond Form CG-3355-4A must be filed before a Certificate will be issued).

\$ _____

a. Name and address of applicant's surety

9. Name and address of applicant's guarantor (Guaranty CG-3355-6B and all required financial data must be filed before a Certificate will be issued).

2

a. Guarantor's Fiscal Year

____ (Month) ____ (Day) to ____ (Month) ____ (Day)

10. If applicant intends to qualify as a self-insurer, attach all required financial data and indicate fiscal year

____ (Month) ____ (Day) to ____ (Month) ____ (Day)

11. Give a fully detailed explanation of the method desired to be utilized to establish financial responsibility and attach all supporting documentation and schedules.

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CONCURRENCE OF AGENT (PART IV OF 4 PARTS)

Part IV-A must be completed by the person or firm designated in Item 4 of Part I to serve as applicant's United States agent for service of process. Part IV-B must be completed by the applicant. After Parts IV-A and IV-B are completed, Part IV should be submitted to the U. S. Coast Guard by the applicant or by the agent, either separately or together with Parts I, II, and III. Part IV-A need not be completed if (1) the agent designated in Item 4 of Part I already has submitted to the U. S. Coast Guard an acceptable blank of Concurrence of Agent, agreeing to serve on behalf of any applicant who designates such agent, or (2) the applicant is a United States entity and has appointed itself as agent.

PART IV - A

It is hereby agreed that _____

(Type Name of United States Agent)

shall serve as the herein named applicant's United States agent for service of process under the provisions of Section 131.11, Title 33, CFR. This designation and agreement shall cease immediately in the event the applicant designates a new agent acceptable and agreed to by the U. S. Coast Guard.

Date: _____

Signature of person signing on behalf of agent: _____

(Title)

(Business Address)

PART IV - B - TO BE COMPLETED BY APPLICANT

Name of applicant from Item I _____

Signature of person signing on behalf of applicant _____

(Person signing here must also sign in appropriate place on Part III)

Date

Type or print name and title

Part 131, Appendix

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DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-4 (6-83)

INSURANCE FORM No. _____

INSURANCE FORM CG-5358-4 FURNISHED AS EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER SUBSECTION 204(c) OF THE TRANS-ALASKA PIPELINE AUTHORIZATION ACT (PUBLIC LAW 93-153)

(Name of Insurer) _____ (hereinafter "Insurer") hereby certifies that for purposes of complying with the provisions of subsection 204(c), Trans-Alaska Pipeline Authorization Act (hereinafter "Act"), each of the vessel operators specified in the schedules below is insured by it, in respect to each of the vessels respectively specified therein, against liability to which such vessel operators could be subjected under subsection 204(c) of the Act in the amount of \$14 million for any one incident.

(Name of Agent) _____, with offices at _____ is hereby designated as the Insurer's agent for service of process for the purposes of the Act and implementing rules at Part 131 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to his death, disability or unavailability, the Commandant, U.S. Coast Guard, becomes the agent for service of process.

The Insurer consents to be sued directly in respect of any claim under the Act against any of the operators; *provided, however* that in any such direct action (a) its liability in any one incident shall not exceed \$14 million per vessel and (b) it shall be entitled to invoke only (1) the rights and defenses permitted by the Act to the vessel operator, and (2) the rights and defenses permitted by the Federal Water Pollution Control Act, as amended, to the Insurer, insofar as those rights and defenses are consistent with the purposes of the Trans-Alaska Pipeline Authorization Act, if an action were brought against the Insurer by the operator.

The insurance evidenced by this document shall be applicable only in relation to incidents giving rise to claims under the Act in respect to any of the below-listed vessels, occurring on or after the effective date of this document, which, as to each of the vessels, shall be the date the vessel is named in Schedule A or added to Schedule B below, and before the termination date of this document, which, as to each of such vessels, shall be the date 30 days after the date of receipt by the U.S. Coast Guard (USCG) of written notice the Insurer has elected to terminate the insurance evidenced by this document in respect to any vessel, and has so notified the vessel's operator; *provided,*

however, no termination shall become effective with respect to any vessel covered by this document, which, at the time termination would otherwise become effective, was carrying oil transported through the trans-Alaska pipeline and which has been loaded on board such vessel before the time such termination would otherwise become effective; and *provided further*, that such termination shall only become effective when all of that oil has been offloaded from such vessel. Termination of this document as to such vessels shall not affect the liability of the Insurer in connection with an incident occurring before the date the termination becomes effective.

If during the currency of this document a below-named operator requests that an additional vessel be made subject to this document, and if the Insurer should accede to the request and should so notify the USCG, then the vessel shall be included in Schedule B hereof.

If more than one insurer joins in executing this document, that action constitutes joint and several liability on the part of the insurers.

Effective date of coverage for vessels on Schedule A: Day/month/year _____.

(Name of Insurer) _____

(Mailing Address) _____

(Signature of Official Signing on Behalf of Insurer) _____

(Typed Name and Title of Signer) _____

Insurance Form CG-5358-4 (6/83) No. _____

SCHEDULE A—VESSELS AND OPERATORS

Vessel	Operator	Gross tons ¹
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¹ For identification purposes only.

Insurance Form CG-5358-4 (6/83) No. _____

SCHEDULE B—ADDITIONAL VESSELS

Vessel	Operator	Gross tons ¹	Date added
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¹ For identification purposes only.

Insurance Form CG-5358-4 (6/83) No. _____

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-4A (6-83)

SURETY CO. BOND No. _____

ALASKA PIPELINE-OIL DISCHARGE
SURETY BOND FORM CG-5358-4A

KNOW ALL MEN BY THESE PRESENTS, that We (Name of Vessel Operator) _____, of (City) _____, (State and Country) _____, as Principal (hereinafter called Principal), and (Name of Surety) _____, a company created and existing under the laws of (State and Country) _____, and authorized to do business in the United States, as Surety (hereinafter called Surety), are held and firmly bound unto the United States of America and other claimants for damages under subsection 204(c) of the Trans-Alaska Pipeline Authorization Act (hereinafter "Act") in the penal sum calculated as follows: if there is one vessel listed in the attached schedule, \$14,000,000; if there are two vessels, \$19,000,000; if there are three vessels, \$23,000,000; if there are four vessels, \$26,000,000; if there are five vessels, \$28,000,000; if there are six or more vessels, \$29,000,000, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal intends to become or is a holder of a Certificate of Financial Responsibility (Alaska Pipeline) pursuant to the provisions of Part 131 of Title 33, Code of Federal Regulations, and has elected to file with the U.S. Coast Guard (USCG) such a bond as will insure financial responsibility to meet any liability incurred under subsection 204(c) of the Act; and

WHEREAS, this bond is written to assure compliance by the Principal with the requirements of subsection 204(c), of the Act, and shall inure to the benefit of claimants under subsection 204(c);

NOW, THEREFORE, the condition of this obligation is that if the Principal shall pay or cause to be paid to claimants any sum or sums for which the Principal may be held legally liable under subsection 204(c) of the Act, then this obligation, to the extent of such payment, shall be void, otherwise, to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond. In no event shall the Surety's obligation hereunder exceed the amount of the penalty, provided the Surety furnishes written notice to

the USCG forthwith of all suits filed, judgments rendered, and payments made by the Surety under this bond.

Any claim for damages for which the Principal may be liable under the provisions of subsection 204(c) of the Act may be brought directly against the Surety; provided, however, that in the event of a direct claim the Surety shall be entitled to invoke only (1) the rights and defenses permitted by subsection 204(c) of the Act to the vessel operator, and (2) the rights and defenses permitted by the Federal Water Pollution Control Act, as amended, to the Surety, insofar as those rights and defenses are consistent with the purposes of the Trans-Alaska Pipeline Authorization Act, if an action were brought against the Surety by the operator.

This bond is effective the _____ day of _____, 19____ 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice sent by certified mail to the other party, with a copy to the USCG at its office in Washington, D.C. The termination becomes effective thirty (30) days after actual receipt by the USCG of written notice; provided, however, that no such termination shall become effective with respect to any vessel covered by this document, which, at the time the termination would otherwise become effective, was carrying oil which had been transported through the trans-Alaska pipeline and which had been loaded on board such vessel before the time the termination would otherwise become effective; and provided further, the termination shall only become effective when all of that oil has been offloaded from such vessel. The Surety shall not be liable hereunder in connection with an incident occurring after the termination of this bond as herein provided, but termination shall not affect the liability of the Surety in connection with an incident occurring before the date the termination becomes effective.

The Surety designates (Name of Agent) _____, with offices at _____, as the Surety's agent for service of process for the purposes of the Act and implementing rules at Part 131 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to his death, disability or unavailability, the Commandant, U.S. Coast Guard, becomes the agent for service of process.

If more than one surety company joins in executing this bond, that action constitutes joint and several liability on the part of the sureties.

In witness whereof, the above-named Principal and Surety have executed this in-

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(Please type name of signer under each signature. In the case of a partnership, each partner must sign.)

PRINCIPAL

Individual Principal or Partner _____
(Business Address) _____

Individual Principal or Partner _____
(Business Address) _____

Individual Principal or Partner _____
(Business Address) _____

Corporate Principal _____
Business Address _____

By _____
Title _____

(Affix Corporate Seal)

SURETY

Corporate Surety _____
Business Address _____
By _____
Title _____

(Affix Corporate Seal)

CG-5358-4A (6/83)

Surety Co. Bond No. _____

SCHEDULE—VESSELS AND OPERATORS

Vessel	Operator	Gross tons*
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11
12	12	12
13	13	13
14	14	14
15	15	15
16	16	16
17	17	17
18	18	18
19	19	19
20	20	20
21	21	21
22	22	22
23	23	23
24	24	24
25	25	25
26	26	26
27	27	27
28	28	28
29	29	29
30	30	30
31	31	31
32	32	32
33	33	33
34	34	34
35	35	35
36	36	36
37	37	37
38	38	38
39	39	39
40	40	40
41	41	41
42	42	42
43	43	43
44	44	44
45	45	45
46	46	46
47	47	47
48	48	48
49	49	49
50	50	50
51	51	51
52	52	52
53	53	53
54	54	54
55	55	55
56	56	56
57	57	57
58	58	58
59	59	59
60	60	60
61	61	61
62	62	62
63	63	63
64	64	64
65	65	65
66	66	66
67	67	67
68	68	68
69	69	69
70	70	70
71	71	71
72	72	72
73	73	73
74	74	74
75	75	75
76	76	76
77	77	77
78	78	78
79	79	79
80	80	80
81	81	81
82	82	82
83	83	83
84	84	84
85	85	85
86	86	86
87	87	87
88	88	88
89	89	89
90	90	90
91	91	91
92	92	92
93	93	93
94	94	94
95	95	95
96	96	96
97	97	97
98	98	98
99	99	99
100	100	100

*For identification purposes only.

Surety Co. Bond No. _____

CG-5358-4A (6/83)

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-4B (6-83)

QUARANTY No. _____

GUARANTY FORM CG-5358-4B IN RE-
SPECT OF LIABILITY FOR DIS-
CHARGE OF OIL-ALASKA PIPE-
LINE

1. WHEREAS (Name of Vessel Operator) _____, (hereinafter the "Operator") is the Operator of the Vessel(s) specified in the annexed schedules (hereinafter "Vessel" or "Vessels"), and the Operator desires to establish its financial responsibility in accordance with subsection 204(c) of the Trans-Alaska Pipeline Authorization Act (hereinafter the "Act"), the undersigned Guarantor hereby guarantees, subject to the provisions of clause 4 hereof, to discharge the Operator's legal liability in re-

spect to a claim under subsection 204(c) of the Act, in the event that such legal liability has not been discharged by the Operator within 21 days after the claimant has obtained a final judgment (after appeal, if any) against the Operator from a United States Federal or State Court of competent jurisdiction, or has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Operator, with the approval of the Guarantor. Upon payment of the agreed sum, the Operator is to be fully, irrevocably and unconditionally discharged from all further liability to the claimant with respect to the claim.

2. The Guarantor's liability under this Guaranty shall not exceed \$14 million per incident, provided that the Guarantor furnishes written notice to the U.S. Coast Guard (USCG) of all suits filed, judgments rendered, and payments made by the Guarantor under this Guaranty.

3. The Guarantor's liability under this Guaranty shall attach only in relation to incidents giving rise to causes of action against the Operator in respect of any of the Vessels for damages under subsection 204(c) of the Act, occurring on or after the effective date of this Guaranty, which, as to each of the Vessels, shall be the date the Vessel is named in Schedule A or added to Schedule B below, and before the termination date of this Guaranty, which, as to each of the Vessels, shall be the date 30 days after the date of receipt by the USCG of written notice the Guarantor has elected to terminate this Guaranty, with respect to any of the Vessels, and has so notified the Operator; *provided, however*, that no termination shall become effective with respect to any Vessel covered by this document, which, at the time the termination would otherwise become effective, was carrying oil which had been transported through the trans-Alaska pipeline and which had been loaded on board such Vessel before the time the termination would otherwise become effective; and *provided further*, the termination shall only become effective when all of that oil has been offloaded from the Vessel. Termination of this document as to Vessels shall not affect the liability of the Guarantor in connection with an incident occurring before the date the termination becomes effective.

4. Any claim for damages for which the Operator may be liable under the provisions of subsection 304(c) of the Act may be brought directly against the Guarantor; provided, however, that in the event of a direct claim the Guarantor shall be entitled to invoke only (1) the rights and defenses permitted by the Act to the vessel operator, and (2) the rights and defenses permitted by the Federal Water Pollution Control Act, as

amended, to the Guarantor, insofar as those rights and defenses are consistent with the purposes of the Trans-Alaska Pipeline Authorization Act, if the action were brought against the Guarantor by the operator.

5. If, during the currency of this Guaranty, the Operator requests that a vessel operated by the Operator, and not specified in the annexed Schedules A and B, should become subject to this Guaranty, and if the Guarantor accedes to the request and so notifies the USCG in writing, then the vessel becomes one of the Vessels included in Schedule B and subject to this Guaranty.

6. The Guarantor hereby designates (Name of Agent) _____ with offices at _____ as the Guarantor's agent in the United States for service of process for purposes of subsection (c) of section 204 of the Act and implementing rules at Part 131 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to his death, disability or unavailability, the Commandant, U.S. Coast Guard, becomes the agent for service of process.

Effective Date: (Month/Day/Year and Place of Execution) _____

(Type Name of Guarantor) _____

(Type Address of Guarantor) _____

By: (Signature) _____

(Type Name and Title of Person Signing Above) _____

SCHEDULE A—VESSELS INITIALLY LISTED

Vessels	Gross tons	Operator
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Note: Gross tons are for identification purposes only.

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SCHEDULE B—VESSELS ADDED IN ACCORDANCE WITH CLAUSE 5

Vessel	Gross tons	Operator	Date added
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SCHEDULE B—VESSELS ADDED IN ACCORDANCE WITH CLAUSE 5

Vessel	Gross tons	Operator	Date added
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Note: Gross tons are for identification purposes only.

CG-5356-4B (6/83)

PART 132—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—OUTER CONTINENTAL SHELF

Sec.

- 132.1 Scope.
- 132.2 Definitions.
- 132.3 General.
- 132.4 Where to apply and obtain forms.
- 132.5 Time to apply.
- 132.6 Applications, general instructions.
- 132.7 Renewal of Certificates.
- 132.8 Establishing financial responsibility.
- 132.9 Issuance of Certificates.
- 132.10 Operator's responsibility for identification.
- 132.11 Denial or revocation of Certificates.
- 132.12 Fees.
- 132.13 Enforcement.
- 132.14 Service of process.

APPENDIX—FINANCIAL RESPONSIBILITY APPLICATION AND SUPPORTING FORMS

AUTHORITY: 43 U.S.C. 1815(a)(1), 1822(a)(2); E.O. 12123, as amended by sec. 2 of E.O. 12419 (48 FR 20891); 49 CFR 1.46.

SOURCE: CGD 83-039, 48 FR 46203, Oct. 11, 1983, unless otherwise noted.

EDITORIAL NOTE: The information collection requirements contained in this part were approved by the Office of Management and Budget under control number 2115-0535.

§ 132.1 Scope.

(a) This part implements the vessel financial responsibility requirements of Title III of the Outer Continental Shelf Lands Act Amendments of 1978, and applies to all vessels engaged in any segment of the transportation of oil produced from an offshore facility on the Outer Continental Shelf when such vessels are operating in the waters above submerged lands seaward from the coastline of a State or the waters above the Outer Continental Shelf.

(b) Vessels having on board Outer Continental Shelf-produced oil after that oil has been brought ashore, or loaded as a result of removal operations after an oil spill, are not subject to this part.

§ 132.2 Definitions.

As used in this part:

(a) "Act" means Title III of the Outer Continental Shelf Lands Act

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Amendments of 1978 (43 U.S.C. 1811-24).

(b) "Applicant" means any vessel operator, as defined in paragraph (p) of this section, who has applied for a Certificate or for the renewal of a Certificate.

(c) "Application" means Application for Certificate of Financial Responsibility (Outer Continental Shelf), Form CG-5358-1.

(d) "Cargo" means oil carried on board a vessel for purposes of transportation, in any quantity and under any conditions.

(e) "Certificant" means any operator, as defined in paragraph (p) of this section, who has been issued a Certificate.

(f) "Certificate" means a Certificate of Financial Responsibility (Outer Continental Shelf) Form CG-5358 issued by the U.S. Coast Guard under this part.

(g) "Commandant" means the Commandant, U.S. Coast Guard.

(h) "Damages" means economic loss arising out of or directly resulting from oil pollution, including injury to, or destruction of, real or personal property; loss of use of real or personal property; injury to, or destruction of, natural resources; loss of use of natural resources; loss of profits or impairment of earning capacity due to injury to, or destruction of, real or personal property or natural resources; loss of tax revenue for a period of one year due to injury to real or personal property; and reasonable costs associated with preparation and presentation of natural resource damage claims. Removal costs are not included in this definition.

(i) "Discharge" means any emission, intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emptying, or dumping.

(j) "Financial responsibility" means proof of financial ability to satisfy claims for damages and removal costs as required by section 305(a)(1) of the Act.

(k) "Incident" means any occurrence or series of related occurrences, involving one or more vessels, which causes or poses an imminent threat of oil pollution from any source. For purposes

of this part an "imminent" threat, as used in the Act, is synonymous with a "substantial" threat, as used in section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321).

(l) "Insurer" means one or more acceptable insurance companies, corporations or associations of insurers, shipowners' protection and indemnity associations, or other persons acceptable to the Coast Guard.

(m) "Offshore facility" includes any oil refinery, drilling rig, drilling structure, oil storage or transfer terminal, or pipeline, or any appurtenance related to any of the foregoing, which is used to drill for, produce, store, handle, transfer, process, or transport oil produced from the Outer Continental Shelf, and is located on the Outer Continental Shelf, except that a vessel or a deepwater port (as the term "deepwater port" is defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502)) is not included in this definition.

(n) "Oil" means petroleum, including crude oil or any fraction or residue therefrom, whether or not carried on board a vessel.

(o) "Oil pollution" means:

(1) The presence of oil, either in an unlawful quantity or which has been discharged at an unlawful rate—

(i) In or on the waters above submerged lands seaward from the coastline of a State, or on the adjacent shoreline of such State; or

(ii) On the waters of the contiguous zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606); or

(2) The presence of oil in or on the waters of the high seas outside the territorial limits of the United States—

(i) When discharged in connection with activities conducted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(ii) Causing injury to or loss of natural resources belonging to, appertaining to, or under the exclusive management authority of, the United States; or

(3) The presence of oil in or on the territorial sea, navigable or internal

waters, or adjacent shoreline of a foreign country, in a case where damages are recoverable by a foreign claimant under Title III of the Act.

(p) "Operator" or "vessel operator" means a demise charterer or any other person responsible for the operation of a vessel, including a person who both owns and is responsible for the operation of a vessel.

(q) "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters (as the term "lands beneath navigable waters" is defined in section 1301 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(r) "Owner" or "vessel owner" means any person holding legal or equitable title to a vessel. In a case where a Certificate of Registry or equivalent document has been issued, the owner is the person or persons whose name or names appear thereon as owner; and *Provided, however*, That where a Certificate of Registry has been issued in the name of the president or secretary of an incorporated company under 46 U.S.C. 15, such incorporated company is the owner; *Provided, further*, That this definition does not include a person who, without participating in the management or operation of a vessel, holds indicia of ownership primarily to protect a security interest in that vessel.

(s) "Person" includes, but is not limited to, an individual, a governmental entity, a firm, a corporation, an association, a partnership, a joint-stock company, a joint venture, a consortium, a business trust, or an unincorporated organization.

(t) "Public vessel" means a vessel, not engaged in commerce, the operator of which is the Government of the United States or a State or political subdivision thereof, or the government of a foreign entity.

(u) "Remove," "removing," or "removal" means:

(1) The physical removal of oil from the water and shorelines;

(2) The taking of such other actions as may be necessary to prevent, minimize or mitigate damage to the public

health or welfare (including, but not limited to, fish, shellfish, wildlife and public or private property, shorelines and beaches), resulting from a discharge or substantial threat of a discharge of oil;

(3) The restoration or replacement of natural resources damaged or destroyed as the result of a discharge of oil in violation of section 311(b) of the Federal Water Pollution Control Act, as amended;

(4) Reasonable measures taken, after an incident has occurred, to prevent, minimize, or mitigate oil pollution from such incident; and

(5) Measures of a similar or related nature under section 5 of the Intervention on the High Seas Act (33 U.S.C. 1474).

(v) "Submerged lands seaward from the coastline of a State" means the area of "lands beneath navigable waters" as described in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)(2)). Generally, that area can be described as all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastline of a State, and to the boundary line of each such State where in any case such boundary extends seaward (or into the Gulf of Mexico) beyond three geographical miles.

(w) "Underwriter" means an insurer, a surety company, a guarantor, or any other person, other than the operator, who provides evidence of financial responsibility for an operator.

(x) "United States" or "State" means any place under the jurisdiction of the United States, including, but not limited to, the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands.

(y) "Vessel" means every description and size of watercraft or other artificial contrivance, other than a public vessel, which is operating in the waters above the Outer Continental Shelf or in the waters above submerged lands seaward from the coastline of a State, and which is engaged

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in any segment of the transportation of Outer Continental Shelf-produced oil from an offshore facility, including carrying, lightering, transshipping, or storing such oil.

§ 132.3 General.

(a) This part sets forth the procedures whereby an owner and operator of a vessel can demonstrate that each is financially able to meet liability for removal costs and damages in the amount of \$300 per gross ton of such vessel, or \$250,000, whichever is greater. That amount represents the maximum amount of liability under section 304 of the Act in a case where the owner and operator of a particular vessel are entitled to limit their liability. Owners and operators are jointly, severally and strictly liable.

(b) Upon the satisfactory demonstration of financial responsibility, the Commandant (G-MER-1) issues Certificates which are to be carried aboard the vessels named on such Certificates. The carriage of a valid Certificate indicates the vessel named thereon is in compliance with the financial responsibility provisions of the Act. Failure to carry a valid Certificate subjects a vessel owner and operator to enforcement action and penalty procedures by the Coast Guard.

(c) Where a vessel is operated by its owner, or the owner is responsible for its operation, the owner is the operator and shall file the application for a Certificate. In all other cases, the vessel operator shall file the application.

(d) The gross tonnage of a vessel is the tonnage indicated in the vessel's Certificate of Registry, or, in the absence thereof, other marine documents acceptable to the Coast Guard. If a vessel has more than one gross tonnage, the higher tonnage shall apply.

[CGD 83-039, 48 FR 46203, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 132.4 Where to apply and obtain forms.

(a) Each operator who wishes to obtain a Certificate shall file an application, together with fees and evidence of financial responsibility, with

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the Coast Guard at the following address:

Commandant (G-MER-1), U.S. Coast Guard Headquarters, 2100 Second Street, Washington, DC 20593.

(b) Regulations concerning applications, are set forth in §§ 132.5 and 132.6. Regulations concerning fees are set forth in § 132.12, and regulations concerning evidence of financial responsibility are set forth in § 132.8. Forms may be obtained from the Headquarters address set forth in paragraph (a) of this section.

(c) All requests for assistance, including telephone inquiries, in completing applications should be directed to the Commandant's Staff in Washington, DC; (202) 267-0530.

[CGD 83-039, 48 FR 46203, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 132.5 Time to apply.

(a) A completed application, fees and evidence of financial responsibility shall be filed at least 21 days before the date the Certificate is required.

(b) Applications will be processed in the order in which they are filed.

§ 132.6 Applications, general instructions.

(a) All applications and supporting documents shall be in English. All monetary terms shall be in United States currency.

(b) The application shall—

(1) Be signed by an authorized official of the applicant, whose title shall be shown on the application; and

(2) Where the signer is not disclosed on the application as an individual (sole proprietor) applicant, a partner in a partnership applicant, or a director or officer of a corporate applicant be accompanied by a written statement proving authority to sign.

(c) If, before the issuance of a Certificate, the applicant becomes aware of a change in any of the facts contained in the application or supporting documentation, the applicant shall notify the Commandant (G-MER-1) in writing, within five days.

[CGD 83-039, 48 FR 46203, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 132.7 Renewal of Certificates.

(a) Written applications for renewal Certificates shall be made to the Commandant (G-MER-1) at least 21 days, but not earlier than 90 days, before the expiration dates of existing Certificates.

(b) Each renewal application shall be accompanied by appropriate recertification fees, identify any changes since the original application was filed, and set forth the correct information in full.

[CGD 83-039, 48 FR 46203, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 132.8 Establishing financial responsibility.

(a) *General.* In addition to filing an application and appropriate fees, each vessel operator shall demonstrate the ability to satisfy liability under Title III of the Act, in an amount not less than \$300 per gross ton or \$250,000, whichever is greater.

(1) The evidence of financial responsibility shall cover the vessel owners as well as the vessel operators, jointly and severally.

(2) The amount of evidence of financial responsibility under this part is separate from an in addition to the amount, if any, required of an applicant under Parts 130 and 131 of this subchapter.

(b) *Methods.* An applicant shall establish evidence of financial responsibility by any one of, or by any acceptable combination of, the following methods:

(1) *Insurance.* Insurance may be established by filing with the Commandant (G-MER-1) an insurance form CG-5358-2, executed by an insurer which is acceptable to the Coast Guard.

(2) *Surety bond.* An applicant may file with the Commandant (G-MER-1) a surety bond form CG-5358-2A, executed by a surety company which is located in the United States and which is acceptable to the Coast Guard. To be acceptable, surety companies must, at a minimum, be certified by the United States Department of the Treasury with respect to the issuance of Federal bonds in the penal sum of the bonds to be issued under this part.

(3) *Self-insurance.* An applicant may establish financial responsibility as a self-insurer by maintaining, in the United States, working capital and net worth, each in the amount of \$300 per gross ton of the largest vessel to be self-insured or \$250,000, whichever is greater. As used in this paragraph, "working capital" means the amount of current assets located in the United States, less all current liabilities; and "net worth" means the amount of all assets located in the United States less all liabilities. Maintenance of the required working capital and net worth shall be demonstrated by submitting with the initial application the items specified in paragraph (b)(3)(i) of this section for the applicant's last fiscal year preceding the date of application. Thereafter, for each of the applicant's fiscal years, the applicant/certificant shall submit the items specified in paragraphs (b)(3)(i) and (ii) of this section and shall be subject to the provisions of paragraphs (b)(3)(iii), (iv), (v), and (vi) of this section:

(i) *Initial and annual submissions.* An applicant/certificant shall submit, for its most recent fiscal year, a non-consolidated balance sheet and related statement of income, retained earnings and changes in financial position for the year then ended audited by an independent Certified Public Accountant. Those financial statements shall be accompanied by an additional statement from the applicant's/certificant's Treasurer (or equivalent official for a noncorporate entity) certifying to both the amount of current and the amount of total assets, included in the accompanying balance sheet, that are located in the United States and acceptable for purposes of this part, i.e., not pledged for purposes of Part 130 or Part 131 of this subchapter. If the balance sheet and related statement of income, retained earnings and changes in financial position cannot be submitted in nonconsolidated form, consolidated statements may be submitted if accompanied by supplemental schedules prepared by the applicant/certificant and audited by an independent Certified Public Accountant, and which present the amounts by which the applicant's/certificant's—

(A) Assets, located in the United States and acceptable under this part, exceed total (i.e., worldwide) liabilities; and

(B) Current assets, located in the United States and acceptable under this part, exceed total (i.e., worldwide) current liabilities. Each supplemental schedule must specifically name the applicant/certificant, indicate that the amounts so presented relate only to the applicant/certificant, apart from any other entity, and identify the consolidated financial statement to which it applies.

(ii) *Semi-annual submissions.* When the applicant's/certificant's demonstrated net worth is not at least 10 times the required amount, an affidavit shall be filed by the applicant's/certificant's corporate Treasurer (or equivalent official) covering the first six months of the applicant's/certificant's fiscal year. Such affidavits shall state that neither the working capital nor the net worth have, during the first six months, fallen below the required amounts.

(iii) *Additional submissions.* If an applicant's/certificant's annual and semi-annual submissions of financial data under Parts 130, or 131 demonstrate amounts large enough to meet the requirements of this part as well, separate annual and semi-annual submissions under this part are not necessary. Additional financial information, however, shall be submitted upon request of the Coast Guard. All applicants/certificants who choose self-insurance shall notify the Commandant (G-MER-1) within five days of the date such persons know, or have reason to believe, that the amounts of working capital or net worth have fallen below the amounts required.

(iv) *Time for submissions.* All required annual financial statements shall be received by the Coast Guard within three calendar months after the close of the applicant's/certificant's fiscal year, and all six-month affidavits within one calendar month after close of the applicable six-month period. Upon written request, the Commandant (G-MER-1) may grant a reasonable extension of the time limits for filing financial statements/affidavits, provided that the request sets

forth sufficient reason to justify the requested extension and is received 15 days before the statements/affidavits are due. The Commandant will not consider a request for an extension of more than 45 days.

(v) *Failure to submit.* Failure to timely file any statement, data, or affidavit required by paragraph (b)(3) of this section shall cause the revocation of the Certificate.

(vi) *Waivers of submissions.* For good cause shown in writing by the applicant/certificant, the Commandant (G-MER-1) waives the working capital requirement where the applicant/certificant is—

(A) An economically regulated public utility;

(B) A municipal or higher level governmental entity; or

(C) An entity operating solely as a charitable, nonprofitmaking organization.

The Coast Guard considers good cause to have been shown when the applicant/certificant demonstrates in writing that the grant of such waiver would benefit at least a local public interest without resulting in undue risk to the environment and without resulting in undue risk that the applicant's/certificant's limits of liability could not be met. In addition, for good cause shown in writing by an applicant/certificant, the Commandant (G-MER-1) waives the working capital requirement where it can be demonstrated that working capital is not a significant factor in the applicant's/certificant's financial condition. An applicant's/certificant's net worth in relation to the amount of its exposure under the Act, and a history of stable operations, are major elements in such demonstration.

(4) *Guaranty.* An applicant may file with the Commandant (G-MER-1) a guaranty form CG-5358-2B executed by a guarantor acceptable to the Coast Guard. A guarantor shall comply with all of the self-insurance provisions of paragraph (b)(3) of this section. In addition, the amounts of working capital and net worth required to be demonstrated by an acceptable guarantor shall be no less than the aggregate amounts underwritten as a guarantor

and self-insurer under this part, and Parts 130 and 131 of this subchapter.

(5) *Other methods.* An applicant may not choose any other method of demonstrating financial responsibility, nor any modifications of any of the methods in this section.

(c) *Forms-general.* Application form CG-5358-1, insurance form CG-5358-2, surety bond form CG-5358-2A and guaranty form CG-5358-2B, as appended to this part, are hereby incorporated into this part. If more than one guarantor joins in executing a guaranty form, such action constitutes joint and several liability for such joint guarantors. Each form submitted to the Coast Guard under this part shall set forth in full the correct legal name of the vessel operator to whom Certificates are to be issued.

(d) *Direct action.* Forms CG-5358-2 through CG-5358-2B permit a claimant to commence an action for removal cost and damage claims authorized by section 303 of the Act directly against the underwriter. Such forms also provide that, in the event such action is brought directly against the underwriter, such underwriter shall be entitled to invoke only those rights and defenses permitted by section 305(c) of the Act.

(e) *Public access to data.* Financial data filed by applicants, certificants, and underwriters shall be public information to the extent required by the Freedom of Information Act and permitted by the Privacy Act.

[CGD 83-039, 48 FR 46203, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 132.9 Issuance of Certificates.

(a) After acceptable evidence of financial responsibility has been provided and appropriate fees have been paid, the Coast Guard issues a separate Certificate for each vessel listed on a completed application. Certificates are issued only to vessel operators and are effective for three years from the date of issue.

(b) The original Certificate shall be carried on the vessel named on the Certificate. However, a legible copy (certified as accurate by a notary public or other person authorized to take oaths) may be carried in lieu of

the original Certificate if the vessel is an unmanned barge which—

(1) Does not require a Certificate of Inspection from the United States Coast Guard;

(2) Is owned and operated by United States entities; and

(3) Does not have a facility which the vessel operator believes would offer suitable protection for the original Certificate. If a copy is carried aboard such barge, the original shall be retained at a location in the United States and shall be kept readily accessible for inspection by U.S. Government officials.

(c) Erasures or other alterations on a Certificate or copy are prohibited (even if made by government authorities) and automatically void a Certificate or copy.

(d) If at any time after a Certificate has been issued a certificant becomes aware of a change in any of the facts contained in the application or supporting documentation, the certificant shall notify the Commandant (G-MER-1), in writing, within 10 days of becoming aware of the change.

(e) If for any reason, including a vessel's demise or transfer to a new operator, a certificant ceases to be the operator of a vessel, the certificant shall, within 30 days, complete the reverse side of the original Certificate for the involved vessel and return it to the Commandant (G-MER-1). Such Certificate and any copy thereof is automatically void (whether or not returned to the Coast Guard), and its use is prohibited. Where such voided Certificate cannot be returned because it has been lost or destroyed, the certificant shall, as soon as possible, submit the following written information to the Commandant (G-MER-1):

(1) The number of the Certificate and the name of the vessel.

(2) The date and reason why the certificant ceased to be the operator of the vessel.

(3) The location of the vessel on the date the certificant ceased to be the operator.

(4) The name and mailing address of the person to whom the vessel was returned, sold or transferred.

(5) The reason why the Certificate cannot be returned.

§ 132.10

[CGD 83-039, 48 FR 46203, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 132.10 Operator's responsibility for identification.

(a) Except in the case of unmanned barges, operators who are not also the owners of certificated vessels shall carry on board such vessels the original or legible copy of the demise charter-party or any other written document which demonstrates that such operators are, in fact, the operators designated on the Certificates.

(b) The documents required by paragraph (a) of this section shall be presented for examination to U.S. Government officials upon request.

§ 132.11 Denial or revocation of Certificates.

(a) A Certificate is denied or revoked for any of the following reasons:

(1) Making any willfully false statement to the Coast Guard in connection with an application for an initial Certificate or a request for a renewal Certificate or the retention of an existing Certificate.

(2) Failure of an applicant or certificate to establish or maintain acceptable evidence of financial responsibility.

(3) Failure to comply with or respond to lawful inquiries, regulations, or orders of the Coast Guard pertaining to activities subject to this part.

(4) Failure to timely file the statements or affidavits required by § 132.8(b)(3) (i), (iii).

(5) Cancellation or termination of any insurance form, surety bond or guaranty issued by an underwriter under this part unless acceptable substitute evidence of financial responsibility has been submitted.

(b) Denial or revocation of a Certificate is immediate and without prior notice where the applicant or certificateant—

(1) Is no longer the operator of the vessel in question;

(2) Fails to furnish acceptable evidence of financial responsibility in support of an application;

(3) Permits the cancellation or termination of the insurance form, surety bond or guaranty upon which the con-

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tinued validity of the Certificate was based; or

(4) Where the Certificate no longer reflects current information, as would occur in the case of a name change or other change. In any other case, before the denial or revocation of a Certificate, the Commandant (G-MER-1) advises the applicant or certificateant, in writing, of the intention to deny or revoke the Certificate, and states the reason therefor.

(c) If the reason for an intended revocation is failure to file the required financial statements or affidavits, the revocation is effective 10 days after the date of the notice of intention to revoke, unless the certificateant shall, before revocation, demonstrate that the required statements were timely filed.

(d) If the intended denial or revocations is based upon one of the reasons in paragraph (a)(1) or (3) of this section, the applicant or certificateant may request, in writing, a hearing to show that the applicant or certificateant is in compliance with this part, and, if such request is received within 30 days after the date of the notification of intention to deny or revoke the Coast Guard schedules a hearing. Hearings are conducted in accordance with § 135.223 of this subchapter.

[CGD 83-039, 48 FR 46203, Oct. 11, 1983, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 132.12 Fees.

(a) This section establishes the application fee imposed by the Coast Guard for processing applications and also establishes the certification fee imposed for the issuance or renewal of Certificates.

(b) No Certificate is issued unless the fees set forth in paragraphs (d) and (e) of this section have been paid.

(c) Fees shall be paid in United States currency by check, draft or postal money order made payable to the U.S. Coast Guard.

(d) Each applicant who submits an application for the first time shall pay an initial, non-refundable application fee of \$75. Applications for additional Certificates, or to amend or renew existing Certificates, do not require new

application fees. However, once an application is withdrawn or denied for any reason, and the same applicant, holding no valid Certificates, wishes to reapply for a Certificate (covering the same or new vessel), a new application and application fee of \$75 shall be filed.

(e) In addition to the \$75 application fee, applicants shall pay a \$40 fee for each Certificate issued. Applicants shall submit such certification fee for each vessel listed in, or later added to, an application. The \$40 certification fee is required to renew or to reissue a Certificate for any reason, including, but not limited to, a name change or a lost Certificate.

(f) Certification fees are refunded, upon receipt of a written request, if the application is withdrawn or denied before issuance of the Certificates. Overpayments of application and certification fees are refunded on request only if the refund is \$20 or more. However, any overpayments not refunded are credited, for a period of three years from the date of receipt of the moneys by the Coast Guard, for the applicant's possible future use under this part.

§ 132.13 Enforcement.

(a) Any vessel operator who fails to comply with this part is subject to a civil penalty of not more than \$10,000 for each such failure to comply.

(b) No penalty under paragraph (a) of this section is assessed until notice and an opportunity for hearing on the alleged violation have been given.

(c) In the event any vessel subject to this part fails, upon request, to

produce a valid Certificate, the Coast Guard—

(1) Denies the vessel entry to any port or place in the United States or the navigable waters of the United States; and

(2) Detains the vessel at the port or place in the United States from which it is about to depart for any other port or place in the United States.

§ 132.14 Service of process.

(a) When executing the forms required by this part, each applicant and underwriter shall designate thereon a person in the United States as its agent for service of process for the purposes of Title III of the Act and of this part.

(b) Each designation shall be acknowledged in writing by the designee unless the designee has already furnished the Coast Guard with a master concurrence showing it has agreed in advance to act as the United States agent for service of process for the applicant or underwriter in question.

(c) When the designated agent cannot be served because of death, disability, or unavailability, the Commandant becomes the agent for service of process.

(d) When serving the Commandant, the server shall also—

(1) Send to the applicant, certificant, or underwriter, by registered mail, postage prepaid, at its address last on file with the Coast Guard, a copy of each document served upon the Commandant; and

(2) Attest to that mailing at the time service is made upon the Commandant.

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APPENDIX—FINANCIAL RESPONSIBILITY APPLICATION AND SUPPORTING FORMS

Approved OMB No. 2118-0535

DEPARTMENT OF TRANSPORTATION U. S. COAST GUARD CG-5358-1 (6-83) APPLICATION FOR CERTIFICATE OF FINANCIAL RESPONSIBILITY (OUTER CONTINENTAL SHELF)	GENERAL (Part I of 4 Parts)		
1. Legal name of applicant (name of legally responsible operator of all vessels listed in Part II) (a) English equivalent of legal name if customarily written in language other than English (b) Trade name, if any	INSTRUCTIONS Please type or print clearly and submit this application to the Chief, Financial Responsibility Division (CG-5358), Office of Marine Environment and Systems, U. S. Coast Guard Headquarters, 3100 - 2nd Street, S.W., Washington, DC 20583. The application is in four parts: Part I - General; Part II - Evidence of Financial Responsibility; Part III - Declaration; and Part IV - Consent of Agent. Applicants must answer item 4 and all other applicable questions. If a question does not apply, answer "not applicable." Incomplete applications will be returned. If additional space is required, supplemental sheets may be attached.		
2. Is this the first time the above-named applicant is applying for a Certificate of Financial Responsibility (Outer Continental Shelf)? (NOTE: This question does not refer to any other type of Certificate.) ☐ YES ☐ NO (If "No", complete item "a" below.) (a) What control number was assigned to the first application?	THIS SPACE FOR USE BY USCG ONLY		
3. State applicant's legal form of organization, i.e., whether operating as an individual, corporation, partnership, association, joint stock company, business trust or other organized group of persons (whether incorporated or not), or as a receiver, trustee, or other liquidating agent, and briefly describe current business activities and length of time engaged therein.			
(a) If a corporation, association, or other organization, please indicate: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Name of State or foreign country in which incorporated or organized</td> <td style="width: 30%;">Date of incorporation or organization</td> </tr> </table>		Name of State or foreign country in which incorporated or organized	Date of incorporation or organization
Name of State or foreign country in which incorporated or organized	Date of incorporation or organization		
(b) If a partnership, give name and address of each partner			
4. Name and address of applicant's United States agent or other person authorized by applicant to accept legal service in the United States (see PART IV) (U.S. applicants may appoint themselves as agent, eliminating the need to complete Part IV.)			

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EVIDENCE OF FINANCIAL RESPONSIBILITY (Part II of 4 Parts)

Please list each vessel for which a Certificate is desired. Vessels for which the operator named in item 1 (a) is not responsible should not be listed in this form. In column (f) indicate the number "1" if the operator is also the registered owner. Indicate "2" in column (f) if the operator is not the registered owner.

Name of Vessel (a)	Type of Vessel (b)	Country of Registry (c)	Registration Number (d)	Gross Tons (e)	1971 or 1972 (f)

(g) If applicant indicated "2" for any vessel listed above in column 5(f), please indicate:

[illegible]

EVIDENCE OF FINANCIAL RESPONSIBILITY (Part II of 4 Parts) - Continued

8. Items 7 through 10 are optional methods of establishing financial responsibility. Check the appropriate box(es) below and answer only the item(s) which are applicable to this application:

☐ Insurance (Answer Item 7)	☐ Surety Bond (Answer Item 8)	☐ Guaranty (Answer Item 9)	☐ Self-insurer (Answer Item 10)
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7. Name and address of applicant's insurer (Insurance Form CG-5558-3 must be filed before a Certificate will be issued.)

8. Total amount of surety bond. (Surety Bond Form CG-5558-SA must be filed before a Certificate will be issued.)

\$ _____

(a) Name and address of applicant's surety

9. Name and address of applicant's guarantor (Guaranty Form CG-5558-2B and all required financial data must be filed before a Certificate will be issued.)

(a) Guarantor's fiscal year

_____ to _____
 (Month) (Day) (Month) (Day)

10. If applicant intends to qualify as a self-insurer, attach all required financial data and indicate fiscal year

_____ to _____
 (Month) (Day) (Month) (Day)

DECLARATION (Part III of 4 Parts)

11. Applicant's mailing address (Street, number, post office box, city, State or country, and zip code if in the United States)

(a) Tolls fee and answerback

12. Type or print in this space the name and title of the official who is signing this application

(b) Area code and telephone no.

I DECLARE that I have examined this application, including any accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Furthermore, it is agreed the applicant named in item 1 of Part I above is the responsible operator of all vessels now listed in or later added to this application. I also agree that in the event the agent designated in item 4 of Part I above, or his replacement as may be appointed later with the approval of the U. S. Coast Guard, cannot be served due to death, disability, or unavailability, the Commandant, U. S. Coast Guard, becomes the agent for service of process. I have signed this application in my above-indicated capacity as an authorized official of the applicant, or, if acting under a power of attorney, under the power vested in me by the applicant as evidenced by the attached document.

DATE

IMPORTANT

SIGNATURE OF ABOVE OFFICIAL

NOTE: Please be sure that Parts I, II and III have been completed in full and that Part III has been dated and signed. Then proceed to Part IV, attached.

NO CERTIFICATE WILL BE ISSUED UNLESS A COMPLETED APPLICATION FORM HAS BEEN RECEIVED, PROCESSED AND APPROVED. 33 CFR 132.

COMMENTS

The statements hereinabove set forth are made subject to penalties prescribed by law for any person who knowingly and willfully makes false statements on any matter within the jurisdiction of an agency of the United States (18 USC 1001).

CONCURRENCE OF AGENT (Part IV of 4 Parts)	
Part IV-A must be completed by the person designated in item 4 of Part I to serve as applicant's United States agent for service of legal process. Part IV-B must be completed by the applicant. After Parts IV-A and IV-B are completed, Part IV should be submitted to the U. S. Coast Guard by the applicant or by the agent, either separately or together with Parts I, II, and III. <i>(Part IV need not be completed if the agent designated in item 4 of Part I already has submitted to the U. S. Coast Guard an acceptable blanket Concurrence of Agent, agreeing to serve on behalf of certain applicants who designate such agent. Part IV also need not be completed if the applicant is a United States entity and has appointed itself as agent in item 4 of Part I.)</i>	
PART IV - A	
It is hereby agreed that _____ shall serve as the herein named applicant's United States agent for service of legal process under Part 132, Title 33, CFR, and Title III of the Outer Continental Shelf Lands Act Amendments of 1978. This designation and agreement shall cease immediately in the event the applicant designates a new agent acceptable and agreed to by the U.S. Coast Guard. Date: _____ Signature of person signing on behalf of agent: _____ Title: _____ Business address: _____ _____ _____	
PART IV - B TO BE COMPLETED BY APPLICANT	
Name of applicant (from item I (a)): _____ Signature of person signing on behalf of applicant: (Person signing here should also sign in appropriate place on Part III) _____ Date: _____ Title: _____	

Coast Guard, DOT

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-2 (6-83)

INSURANCE CO. FORM NO. _____

INSURANCE FORM CG-5358-2 FURNISHED AS EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER TITLE III OF THE OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1978 (Pub. L. 95-372)

(Name of Insurer) _____
(hereinafter "Insurer") hereby certifies that for purposes of complying with the provisions of section 305(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 (hereinafter "Act"), each of the vessel operators specified in the schedules below is insured by it, in respect to each of the vessels respectively specified therein, against liability for removal costs and damages to which such vessel operators could be subjected under Title III of the Act. The amount of liability insured herein is \$300 per gross ton or \$250,000, whichever is greater, per vessel, in any one incident.
(Name of Agent) _____

with offices located at _____ is hereby designated as the Insurer's agent for service of process for the purposes of Title III of the Act and implementing rules at Part 132 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to death, disability or unavailability, the Commandant, U.S. Coast Guard, becomes the agent for service of process.

The Insurer consents to be sued directly in respect of any claim authorized under section 303 of the Act against any of the operators; provided, however, that in any such direct action its liability per vessel in any one incident shall not exceed \$300 per gross ton of the vessel or \$250,000, whichever is greater. The Insurer shall be entitled to invoke only the rights and defenses permitted by Title III of the Act to the vessel operator and the defense that the incident was caused by the willful misconduct of the vessel operator.

The insurance evidenced by this undertaking shall be applicable only in relation to incidents occurring on or after the effective date and before the termination date of this undertaking, and shall be applicable only to incidents giving rise to claims authorized under section 303 of the Act in respect to any of the below-listed vessels.

The effective date of this undertaking shall, for each vessel listed below, be the date the vessel is named in or added to the schedules below. For each vessel, the termination date of this undertaking shall be 30 days after the date of receipt of written

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notice by the U.S. Coast Guard (USCG) that the Insurer has elected to terminate the insurance evidenced by this undertaking, and has so notified the vessel operator. However, for any vessel carrying Outer Continental Shelf-produced oil as cargo loaded before the scheduled date of termination, the termination shall not take effect until (1) completion of the discharge of cargo, or (2) until 60 days after the date of receipt by the USCG of written notice the Insurer has elected to terminate the insurance evidenced by this undertaking, whichever date is earlier.

Termination of this undertaking as to any vessel shall not affect the liability of the Insurer in connection with an incident occurring before the date the termination becomes effective.

If, during the currency of this undertaking, a below-named operator requests that an additional vessel be made subject to this undertaking, and if the Insurer accedes to the request and should so notify the USCG, then the vessel shall be included in the schedules below.

The definitions in 33 CFR 132.2 shall apply to this undertaking.

Effective Date of Coverage for Vessels Originally Named on this Undertaking:

Day/Month/Year _____

(Name of Insurer) _____

(Mailing Address) _____

By: _____

(Signature of Official Signing on Behalf of Insurer)

(Typed Name and Title of Signer) _____

Insurance Form CG-5358-2 (6/83) _____

SCHEDULE OF VESSELS AND ASSURED OPERATORS

Vessel	Gross tons	Assured operator
--------	------------	------------------

Insurance Form CG-5358-2(6/83) _____

SCHEDULE OF VESSELS AND ASSURED OPERATORS ADDED TO ABOVE SCHEDULE

Vessel	Gross tons	Assured operator	Date added
--------	------------	------------------	------------

Insurance Form CG-5358-2(6/83) _____

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-2A (6/83)

SURETY CO. BOND No. _____

OIL DISCHARGE SURETY BOND FORM
CG-5358-2A FURNISHED AS EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER TITLE III OF THE OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1978 (P.L. 95-372)

KNOW ALL MEN BY THESE PRESENTS, that We (Name of Vessel Operator) _____ of (City) _____ (State and Country) _____, as Principal (hereinafter called Principal), and (Name of Surety) _____, a company created and existing under the laws of (State and Country) _____, and authorized to do business in the United States, as Surety (hereinafter called Surety), are held and firmly bound unto the United States of America and other claimants for damages and removal cost liability under Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (hereinafter "Act") in the penal sum of \$ _____ (Penal Sum May Not Be Less Than \$250,000), for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, The Principal intends to become or is a holder of a Certificate of Financial Responsibility (Outer Continental Shelf) under the provisions of Part 132 of Title 33, Code of Federal Regulations, and has elected to file with the U.S. Coast Guard (USCG) such a bond as will insure financial responsibility to meet liability for removal costs and damages in connection with claims authorized by section 303 of the Act; and,

WHEREAS, this bond is written to ensure compliance by the Principal with the requirements of section 305(a)(1) of the Act; and shall inure to the benefit of claimants under Title III of the Act;

NOW, THEREFORE, the condition of this obligation is that if the Principal shall pay or cause to be paid to claimants any sum or sums for which the Principal may be held legally liable under Title III of the Act, then this obligation, to the extent of such payment, shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond. In no event shall the Surety's obligation hereunder exceed the amount of the penalty, provided the Surety furnishes written notice to the USCG forthwith of all claims filed, judgments rendered, and payments made by the Surety under this bond.

Any claim for which the Principal may be liable under Title III of the Act may be brought against the Surety. In the event of a direct claim, the Surety shall be entitled to invoke only (1) the rights and defenses permitted by Title III of the Act to the Principal (vessel operator) and (2) the defense that the incident giving rise to the claim was caused by the willful misconduct of the Principal.

This bond is effective the _____ day of _____, 19____, 12:01 a.m., standard time at the address of the Surety as stated herein and shall continue in force until terminated as herein after provided. The Principal or the Surety may at any time terminate this bond by written notice sent by certified mail to the other party with a copy (plainly indicating that the original notice was sent by certified mail) to the USCG at its office in Washington, D.C. The termination becomes effective thirty (30) days after actual receipt by the USCG of written notice; provided, however, that with respect to any of the Principal's vessels carrying Outer Continental Shelf-produced oil as cargo that has been loaded before the time the termination would otherwise have become effective, the termination shall not become effective (1) until completion of discharge of such cargo, or (2) until 60 days after the date of receipt by the USCG of written notice of termination of the bond by the Principal or the Surety under the conditions set forth above, whichever date is earlier. The Surety shall not be liable hereunder in connection with an incident occurring after the termination of this bond as herein provided, but termination shall not affect the liability of the Surety in connection with an incident occurring before the date the termination becomes effective.

The Surety designates (Name of Agent) _____ with offices at _____ as the Surety's agent for service of process for the purposes of Title III of the Act and implementing rules at Part 132 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to death, disability, or unavailability, the Commandant, U.S. Coast Guard, becomes the agent for service of process.

The definitions in 33 CFR 132.2 apply to this bond.

In witness whereof, the Principal and Surety have executed this instrument on the _____ day of _____, 19____.

(Please type name of signer under each signature. In the case of a partnership, each partner must sign.)

PRINCIPAL

(Individual Principal or Partner) _____
(Business Address) _____(Individual Principal or Partner) _____
(Business Address) _____(Individual Principal or Partner) _____
(Business Address) _____Corporate Principal _____
Business Address _____By _____
Title _____

(Affix Corporate Seal)

SURETY

Corporate Surety _____
Business Address _____By _____
Title _____

(Affix Corporate Seal)

CG-5358-2A (6/83)

Surety Co. Bond No. _____

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

CG-5358-2B (6-83)

GUARANTY NO. _____

GUARANTY FORM CG-5358-2B IN RE-
SPECT OF LIABILITY FOR DIS-
CHARGE OF OIL UNDER TITLE III
OF THE OUTER CONTINENTAL
SHELF LANDS ACT AMENDMENTS
OF 1978 (P.L. 95-372)

1. WHEREAS (Name of Vessel Operator)

(hereinafter the "Operator")

is the Operator of the Vessel(s) specified in the annexed schedules (hereinafter "Vessel" or "Vessels"), and whereas the Operator desires to establish its financial responsibility in accordance with section 306(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 (hereinafter "the Act"), the undersigned Guarantor hereby guarantees, subject to the provisions of clause 4 hereof, to discharge the Operator's legal liability for damages and removal costs under Title III of the Act, in the event legal liability has not been discharged by the Operator within 21 days after the claimant has obtained a final judgment (after appeal, if any) against the Operator, in accordance with Title III of the Act, or has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Operator, with the approval of the Guarantor. Upon payment of the agreed sum, the Operator is to be fully, irrevocably and unconditionally discharged from all further liability to the claimant under this Guaranty with respect to the claim. The

Operator's legal liability under Title III of the Act, which is covered by this Guaranty, is \$300 per gross ton or \$250,000, whichever is greater.

2. The Guarantor's liability per vessel in any one incident, under this Guaranty, shall not exceed \$300 per gross ton or \$250,000, whichever is greater, provided that the Guarantor furnishes prompt written notice to the U.S. Coast Guard (USCG) of all claims filed, judgments rendered and payments made by the Guarantor under this Guaranty.

3. The Guarantor's liability under this Guaranty shall attach only in relation to incidents giving rise to claims, authorized under section 303 of the Act, against the Operator in respect of any of the Vessels for removal costs and damages, occurring on or after the effective date of this Guaranty and before the termination date of this Guaranty. The effective date, as to each of the Vessels, shall be the date the Vessel is named in Schedule A or added to Schedule B below. The termination date, as to each of the Vessels, shall be the date 30 days after the date of receipt by the USCG of written notice the Guarantor has elected to terminate this Guaranty, provided, however, that with respect to any Vessel which is carrying Outer Continental Shelf-produced oil as cargo that has been loaded before the schedule date of termination, the termination shall not become effective (1) until completion of discharge of such cargo, or (2) until 60 days after the date of receipt by the USCG of written notice of termination, whichever date is earlier. Termination of this Guaranty as to any of the Vessels shall not affect the liability of the Guarantor in connection with an incident occurring before the date termination becomes effective.

4. Any claim against the Operator, authorized by section 303 of the Act, may be brought directly against the Guarantor. In the event of a direct claim, the Guarantor shall be entitled to invoke only (1) the rights and defenses permitted by Title III of the Act to the vessel operator and (2) the defense that the incident was caused by the willful misconduct of the Operator.

5. If, during the currency of this Guaranty, the Operator requests that a vessel operated by the Operator, and not specified in the annexed Schedules A and B, should become subject to this Guaranty, and if the Guarantor accedes to the request and so notifies the USCG in writing, then the vessel becomes one of the Vessels included in Schedule B and subject to this Guaranty.

6. The Guarantor hereby designates (Name of Agent) _____, as the Guarantor's agent in the United States for service of process for purposes of Title III of the

Part 135

Act and implementing rules at Part 132 of Title 33, Code of Federal Regulations. If the designated agent cannot be served due to death, disability, or unavailability, the Commandant, U.S. Coast Guard, becomes the agent for service of process.

7. If more than one Guarantor joins in executing this Guaranty, that action constitutes joint and several liability on the part of the guarantors.

8. The definitions in 33 CFR 132 apply to this Guaranty.

Effective Date: (Month/Day/Year and Place of Execution) _____

(Type Name of Guarantor) _____

(Type Address of Guarantor) _____

By: (Signature) _____

(Type Name and Title of Person Signing Above) _____

CG-5358-2B (6/83) Guaranty No. _____

SCHEDULE A—VESSELS INITIALLY LISTED

Vessels	Gross tons	Operator
---------	------------	----------

CG-5358-2B(6/83) Guaranty No. _____

SCHEDULE B—VESSELS ADDED IN ACCORDANCE WITH CLAUSE 5

Vessels	Grosstons	Operator	Date added
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CG-5358-2B (6/83) Guaranty No. _____

(33 U.S.C. 1321(p), 43 U.S.C. 1653(c), 1851(a)(1), 1822(a)(2); E.O. 11735, E.O. 12123, E.O. 12418 (48 FR 20891-2); 49 CFR 1.46)

[CGD 83-039, 48 FR 46203, Oct. 11, 1983; CGD 83-039, 52 FR 28471, July 30, 1987]

PART 135—OFFSHORE OIL POLLUTION COMPENSATION FUND

Subpart A—General

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- 135.3 Applicability.
- 135.5 Definitions.
- 135.7 Delegation—Fund Administrator.
- 135.9 Fund address.

Subpart B—Levy of Fees

- 135.101 Purpose.
- 135.103 Levy and payment of barrel fee on OCS oil.

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Sec.

- 135.105 Adjustment of levy. [Effective to August 1, 1990]

Subpart C—Financial Responsibility for Offshore Facilities

- 135.201 Applicability.
- 135.203 Amount required.
- 135.204 Submission of evidence.
- 135.205 Methods of establishing.
- 135.207 Insurance as evidence.
- 135.209 Guaranty as evidence.
- 135.210 Indemnity as evidence.
- 135.211 Surety bond as evidence.
- 135.213 Qualification as self-insurer.
- 135.215 Certification.
- 135.219 Notification of changes affecting certification.
- 135.221 Reapplication for certification.
- 135.223 Certificates, denial or revocation.

Subpart D—Notification, Designation, and Advertisement

- 135.301 Purpose.
- 135.303 Definitions.

NOTIFICATION

- 135.305 Notification procedures.
- 135.307 Notification contents.

DESIGNATION

- 135.309 Notice of designation.
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- 135.313 Advertisement determinations.
- 135.315 Types of advertisement.
- 135.317 Frequency and geographical scope of advertisement.
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Subpart E—Access, Denial, and Detention

- 135.401 Access to vessel, Certificates of Financial Responsibility.
- 135.403 Sanctions for failure to produce vessel Certificates of Financial Responsibility.
- 135.405 Appeal provisions.

AUTHORITY: 43 U.S.C. 1811-24; E.O. 12123, 44 FR 11199; 49 CFR 1.46.

SOURCE: CGD 77-055, 44 FR 16868, Mar. 19, 1979, unless otherwise noted.

Subpart A—General

- § 135.1 Purpose.

(a) This part prescribes the policies, procedures, and administrative practices regarding offshore oil pollution liability and compensation, including

the administration and general operation of the fund established under Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372, 43 U.S.C. 1811 et. seq.).

§ 135.3 Applicability.

(a) This part applies to each person who:

(1) Owns oil obtained from the Outer Continental Shelf when the oil is produced;

(2) Owns, operates, or is the guarantor of the owner or operator of any vessel;

(3) Owns, operates, or is the guarantor of the owner or operator of any offshore facility;

(4) Sustains an economic loss as a consequence of oil pollution arising from Outer Continental Shelf activities; or

(5) Otherwise has responsibilities under Title III of the Act and the regulations in this part.

§ 135.5 Definitions.

(a) As used in this part, the following terms shall have the same meaning as defined in section 301 of Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372): "barrel"; "claim"; "discharge"; "facility"; "Fund"; "guarantor"; "incident"; "offshore facility"; "oil pollution"; "operator"; "owner"; "person"; "person in charge"; "public vessel"; and "vessel".

(b) As used in this part:

(1) "Act" means Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372), entitled "Offshore Oil Spill Pollution Fund".

(2) "Captain of the Port" means a Coast Guard officer designated as Captain of the Port for the areas described in Part 3 of this chapter, or that person's authorized representative or, where there is no Captain of the Port area, the District Commander.

(3) "Commandant" means the Commandant of the Coast Guard or that person's authorized representative.

(4) "District Commander" means the Coast Guard officer commanding a Coast Guard District described in Part

3 of this chapter, or that person's authorized representative.

(5) "Fund Administrator" means the person to whom the authority and functions of the Commandant as administrator of the Fund are delegated.

(6) "Oil" means petroleum, including crude oil or any fraction or residue therefrom and natural gas condensate, except that the term does not include natural gas.

(7) "Outer Continental Shelf" or "OCS" means "outer Continental Shelf" as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C.1331(a)).

§ 135.7 Delegation—Fund Administrator.

(a) The Fund Administrator is delegated authority to perform those functions assigned or delegated to the Secretary of Transportation under the Act not reserved by the Secretary of Transportation or the Commandant.

(b) The Fund Administrator may redelegate and authorize successive redelegations of the authority granted in paragraph (a) of this section within the command under which that person has jurisdiction or to members of the Fund staff.

§ 135.9 Fund address.

The address to which correspondence relating to the Coast Guard's administration of the Fund should be directed is: Funds Management Branch, Commandant (G-MER-4), U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593-0001.

[CGD 86-032, 52 FR 23175, June 18, 1987, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

Subpart B—Levy of Fees

§ 135.101 Purpose.

(a) The purpose of this subpart is to state the general requirements concerning the levy of fees.

§ 135.103 Levy and payment of barrel fee on OCS oil.

(a) A fee of \$.03 per barrel is levied on all oil produced on the OCS and is

§ 135.105

imposed upon the owner of the oil when such oil is produced.

(b) The owner of oil obtained from the OCS shall, for the purpose of computing the barrel fee levied in paragraph (a) of this section, measure OCS oil production by employing the methods and criteria of the Minerals Management Service contained in 30 CFR 250.180.

(c) The barrel fee levied in paragraph (a) of this section applies whenever the unobligated Fund balance is less than \$200,000,000.

(d) Payment of the fee levied in paragraph (a) of this section is made in accordance with the fee collection regulations of the IRS at 26 CFR part 301, § 301.9001. Federal government entitlement to royalty oil does not constitute ownership of oil at time of production. The Fund Administrator advises the IRS when the unobligated Fund balance requires starting or stopping the collection of the barrel fee levied in this section, so the IRS may provide appropriate notice to affected owners of OCS oil.

[CGD 88-050, 53 FR 52997, Dec. 30, 1988, as amended by CGD 90-005, 55 FR 17268, Apr. 24, 1990]

EFFECTIVE DATE NOTE: At 55 FR 17268, Apr. 24, 1990, § 135.103 paragraph (a) was revised, and paragraphs (c) and (d) were added, effective August 1, 1990. For the convenience of the user, the superseded text is set forth below:

§ 135.103 Levy and payment of barrel fee on OCS oil.

(a) A fee not to exceed \$.03 per barrel is levied on all oil produced on the OCS and is imposed on the owner of the oil when such oil is produced. Effective April 1, 1989, the fee per barrel is \$.00.

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§ 135.105 Adjustment of levy.

(a) The Commandant modifies or suspends by regulation the barrel fee levied in § 135.103(a) to maintain the statutory Fund level.

(b) Modification or suspension of the barrel fee levied in this subpart is made effective not less than 90 days after publication in the **FEDERAL REGISTER**.

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[CGD 77-055, 44 FR 16868, Mar. 19, 1979, as amended by CGD 88-050, 53 FR 52997, Dec. 30, 1988]

EFFECTIVE DATE NOTE: By CGD 90-005, 55 FR 17268, Apr. 24, 1990, § 135.105 was removed, effective August 1, 1990.

Subpart C—Financial Responsibility for Offshore Facilities

§ 135.201 Applicability.

(a) This subpart applies to the owner or operator of each offshore facility required by the Act to establish and maintain evidence of financial responsibility.

(b) For the purpose of this subpart:

(1) All structures, including platforms, wells, and pipelines, are considered a single offshore facility if they are physically connected, located upstream of the point of custody transfer, within the same oil field, and under one ownership.

(2) If separate parts of a structure, including platforms and pipelines, are owned separately, each part having common ownership is considered a separate offshore facility.

(3) A mobile offshore drilling unit is considered an offshore facility from the moment a drill shaft or other device connected to the unit first touches the seabed or connects to a well for the purposes of exploration, development, or production of oil until drilling is completed and the unit is no longer attached to the well or drill hole by any device.

(4) A mobile offshore drilling unit considered an offshore facility under paragraph (b)(3) of this section remains a separate facility when physically connected to another offshore facility, unless both are under one ownership.

(5) All segments of a common carrier pipeline from the point of custody transfer to the shore, including any pumping or booster stations, which are under one ownership are considered a single offshore facility.

(6) Any pipeline, which is under one ownership, between two offshore facilities, or between an offshore facility

and the shore, is considered a single offshore facility.

(7) Offshore facilities which drill for, produce, or process only natural gas are not subject to this subpart unless the facilities have the capacity to transport, store, or otherwise handle more than 1,000 barrels of condensate at any one time.

NOTE: Regulations governing financial responsibility and certification for vessels are promulgated by the Federal Maritime Commission.

§ 135.203 Amount required.

(a) Each facility that is used for drilling for, producing, or processing oil, or which has the capacity to transport, store, transfer, or otherwise handle more than one thousand barrels of oil at any one time must be covered by evidence of financial responsibility submitted by or on behalf of the owner or operator of the facility, in the amount of \$35,000,000.

(b) Evidence of financial responsibility established and maintained by a person who owns or operates more than one facility, or who has an interest in the ownership or operation of more than one facility, may be applied by that person towards establishing and maintaining the required evidence of financial responsibility for each facility in which that person has an interest, if the evidence is available to satisfy liabilities arising out of incidents involving those facilities.

§ 135.204 Submission of evidence.

(a) Where the offshore facility is owned and operated solely by one person, that person must establish and maintain evidence of financial responsibility covering the facility.

(b) Where the offshore facility is owned in its entirety by one person and operated solely by another person, evidence of financial responsibility covering the facility must be established and maintained by either the owner or the operator, or, in consolidated form, by both the owner and operator.

(c) Where the offshore facility is owned or operated by more than one person, evidence of financial responsibility covering the facility must be established and maintained by any one

of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators.

(d) When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant must be shown. The evidence must be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(e) Each owner and operator of a facility is subject to the penalty provided by section 312(a) of the Act if evidence of financial responsibility is not established and maintained for that facility.

§ 135.205 Methods of establishing.

(a) Evidence of financial responsibility may be established by any one, or any combination acceptable to the Fund Administrator, of the following methods:

- (1) Insurance;
- (2) Guaranty;
- (3) Indemnity;
- (4) Surety bond; or
- (5) Qualification as self-insurer.

(b) The Fund Administrator will accept alternative evidence of financial responsibility if, in the Fund Administrator's opinion, it establishes an equivalent degree of financial responsibility for the purposes of this subpart.

§ 135.207 Insurance as evidence.

(a) Insurance filed with the Fund Administrator as evidence of financial responsibility shall be issued by an insurer that is acceptable to the Fund Administrator. Those insurers may include domestic and foreign insurance companies, corporations or associations of individual insurers, protection and indemnity associations, or other persons acceptable to the Fund Administrator.

(b) An insurer must:

- (1) Agree to be sued directly, within the limits of the policy coverage, by any person for claims under the Act against the owner or operator; and
- (2) Designate an agent in the United States for service of process.

(c) Insurance as evidence of financial responsibility must indicate the effective date in the endorsement on the application for Certificate of Financial Responsibility, and must remain in force until the date of termination indicated in the endorsement or until—

(1) 30 days after mailing, by certified mail, to the Fund Administrator, and the person insured, notification of intent to cancel; or

(2) Other evidence of financial responsibility acceptable to the Fund Administrator has been established; or

(3) The facility to which the insurance applies ceases to be a facility under § 135.201(b).

(d) Termination of insurance coverage shall not affect the liability of the insurer for an incident occurring before the effective date of termination.

(e) Confirmation of insurance may be accepted from an insurance broker that is acceptable to the Fund Administrator, subject to the Fund Administrator's approval of the individual underwriters, in lieu of their signature on an application, provided the confirmation:

(1) States the insurance covers liabilities under the Act;

(2) Sets forth the limit and deductible;

(3) Provides for direct action against the individual underwriters to the extent of their contracts;

(4) Names the underwriters and percentages of the limit accepted by each;

(5) States that the underwriters agree to give prior written notice of cancellation or change to the Fund Administrator as required in paragraph (c) of this section; and

(6) States that the notice indicated in paragraph (e)(5) of this section will not affect the underwriter's liability for incidents occurring before the effective date of cancellation.

§ 135.209 Guaranty as evidence.

(a) Guarantors must:

(1) Agree to be sued directly, within the limits the guaranty, by any person for claims under the Act against the owner or operator; and

(2) Designate an agent in the United States for service of process.

(b) Guaranties filed as evidence of financial responsibility must be accompanied by the same proof that the Guarantor is financially responsible as this subpart would require of the owner or operator; i.e. insurance, surety bond, self-insurance, or other acceptable methods.

(c) A guaranty as evidence of financial responsibility must indicate the effective date in the endorsement on the application for Certificate of Financial Responsibility, and must remain in force until the date of termination indicated in the endorsement or until:

(1) 30 days after mailing, by certified mail, to the Fund Administrator, and the person guarantied, notification of intent to cancel; or

(2) Other evidence of financial responsibility acceptable to the Fund Administrator has been established; or

(3) The facility to which the guaranty applies ceases to be a facility under § 135.201(b).

(d) Termination of the guaranty shall not affect the liability of the guarantor for an incident occurring before the effective date of termination.

§ 135.210 Indemnity as evidence.

(a) An indemnitor must:

(1) Agree to be sued directly, within the limits of the contract coverage, by any person for claims under the Act against the owner or operator to the extent of the indemnity coverage; and

(2) Designate an agent in the United States for service of process.

(b) Indemnity filed as evidence of financial responsibility must be accompanied by the same proof of the indemnitor's financial responsibility as this subpart would require of the owner or operator; i.e. insurance, surety bond, self-insurance; or other acceptable methods.

(c) An indemnity as evidence of financial responsibility must indicate the effective date in the endorsement on the application for Certificate of Financial Responsibility, and must remain in force until the date of termination indicated in the endorsement or until—

(1) 30 days after mailing, by certified mail, to the Fund Administrator, and

the person indemnified, notification of intent to cancel; or

(2) Other evidence of financial responsibility acceptable to the Fund Administrator has been established; or

(3) The facility to which the indemnity applies ceases to be a facility under § 135.201(b).

(d) Termination of an indemnity shall not affect the liability of the indemnitor for an incident occurring before the effective date of termination.

§ 135.211 Surety bond as evidence.

(a) Each surety bond filed with the Fund Administrator as evidence of financial responsibility shall be issued by a bonding company that:

(1) Is authorized to do business in the United States;

(2) Is licensed to do business in the state or territory in which the bond is executed;

(3) Is certified by the Department of the Treasury with respect to the issuance of Federal bonds in the penal sum of the bond; and

(4) Designates an agent in the United States for service of process.

(b) The bonding company must agree to be sued directly, within the limits of the surety bond, by any person for claims under the Act against the owner or operator.

(c) A surety bond as evidence of financial responsibility must indicate the effective date in the endorsement on the application for Certificate of Financial Responsibility, and must remain in force until the date of termination indicated in the endorsement or until:

(1) 30 days after mailing, by certified mail, to the Fund Administrator, and the person bonded, notification of intent to cancel; or

(2) Other evidence of financial responsibility acceptable to the Fund Administrator has been established; or

(3) The facility to which the surety bond applies ceases to be a facility under § 135.201(b).

(d) Termination of the surety bond shall not affect the liability of the surety for an incident occurring before the effective date of termination.

§ 135.213 Qualification as self-insurer.

(a) Qualification for self insurance must be supported by a copy of the self-insurer's current balance sheet, income statement, and statement of changes in financial position that are certified by an independent Certified Public Accountant and must be accompanied by either:

(1) An additional statement confirming that the self-insurer's current U.S. assets, including those of consolidated subsidiaries held in the U.S., not including pledged assets or stock not publicly traded, exceed the current U.S. liabilities, and the self-insurers net worth exceeds the amount of the requested self-insurance; or

(2) A statement, based on an analysis of the self-insurer's financial position, which shows that sufficient assets or cash flow, other than which might be damaged as a result of a pollution incident, are available which may be liquidated to provide the funds necessary to retire a claim for the amount of the self-insurance without placing the self-insurer in an insolvent position.

(b) The statements required by paragraphs (a) (1) and (2) of this section must be prepared and submitted by the involved Certified Public Accountant when the required financial statements are prepared in consolidated form and the liability represents less than the full financial backing of the consolidated entity, otherwise they may be prepared and submitted by the Treasurer or equivalent official.

(c) If the self-insurer files a Securities and Exchange Commission Form 10-K report, a copy of the self-insurer's most recent 10-K report must be filed with the Fund Administrator within 120 days after the end of the fiscal year to which it relates, in addition to filing the most recent 10-K report with the initial application.

(d) Each self-insurer must file annually with the Fund Administrator, copies of documents required under paragraph (a) of this section, within 120 days after the close of the self-insurer's fiscal accounting period. If a self-insurer files a 10-K report with the Fund Administrator under paragraph (c) of this section which con-

tains some of the financial statements required in paragraph (a), a separate filing of those specific statements need not be made.

§ 135.215 Certification.

(a) Applicants shall:

(1) If the facility is in existence before September 17, 1979, apply for a Certificate of Financial Responsibility before September 17, 1979.

(2) If the offshore facility is not in existence on September 17, 1979, apply for a Certificate of Financial Responsibility at least 45 days before placing the offshore facility into operation or coverage becomes effective.

(3) If submitting an application to include an additional facility under previously established evidence of financial responsibility, apply for a Certificate of Financial Responsibility as early as possible before the anticipated date of desired coverage.

(b) Each application for a Certificate of Financial Responsibility must be made on a Coast Guard prescribed Application for Certificate of Financial Responsibility form, available from the Fund Administrator or any Coast Guard District Office. This form must be submitted for each facility; however, if evidence of financial responsibility has been previously established in an amount sufficient to meet § 135.203 (a), no additional evidence need be submitted with the application.

(c) Each application form submitted under this section must be signed by the applicant. A written statement proving authority to sign must also be submitted where the signer is not disclosed as an individual (sole proprietor) applicant, a partner in a partnership applicant, or a director or other officer of a corporate applicant.

(d) Financial data or other information submitted under this section that is proprietary in nature, or constitutes a trade secret, must be clearly designated as such to insure confidential treatment by the Fund Administrator, under 5 U.S.C. 552, the Freedom of Information Act, which provides for exemption from disclosure of trade secret data.

(e) If any of the information submitted for certification is determined by the Fund Administrator to be insuffi-

cient the Fund Administrator may require additional information before final consideration of the application.

(f) Certificates, as issued, are to be considered property of the U.S. Government, are not to be altered in any manner, and must be surrendered on demand when revoked in accordance with § 135.223 of this subpart.

(g) Applicants shall obtain a Certificate of Financial Responsibility for each facility.

§ 135.219 Notification of changes affecting certification.

(a) Each owner, operator, or guarantor of an offshore facility shall within ten days notify the Fund Administrator in writing when any changes occur which prevent the owner, operator, or guarantor, from meeting the obligations for which a Certificate of Financial Responsibility has been issued.

(b) Based on notice of a change in financial capability under paragraph (a) of this section, the Fund Administrator may revoke a Certificate of Financial Responsibility.

§ 135.221 Reapplication for certification.

(a) If a Certificate of Financial Responsibility becomes invalid for any reason, an application for a new certificate must be immediately submitted to the Fund Administrator in accordance with § 135.204.

§ 135.223 Certificates, denial or revocation.

(a) A certificate may be denied or revoked for any of the following reasons:

(1) Making any willfully false statement to the Fund Administrator in connection with establishing or maintaining evidence of financial responsibility.

(2) Failure of an applicant or certificate to establish or maintain evidence of financial responsibility as required by the regulations in this subpart.

(3) Failure to comply with or respond to inquiries, regulations, or orders of the Fund Administrator concerning establishing or maintaining evidence of financial responsibility.

(4) Failure to timely file the reports or documents required by § 135.213 (c) and (d).

(5) Cancellation or termination of any insurance policy, surety bond, indemnity, or guaranty issued under this subpart or modification thereto which reduces the financial capacity of the applicant or certificant to meet the requirements of this subpart, unless substitute evidence of financial responsibility has been submitted to and accepted by the Fund Administrator.

(b) Denial or revocation of a certificate shall be immediate and without prior notice in a case where the applicant or certificant:

(1) Is no longer the owner or operator of the offshore facility in question;

(2) Fails to furnish acceptable evidence of financial responsibility in support of an application; or

(3) Permits the cancellation or termination of the insurance policy, surety bond, indemnity, or guaranty upon which the continued validity of the certificate is based.

(c) In any other case, before the denial or revocation of a certificate, the Fund Administrator advises the applicant or certificant, in writing, of the intention to deny or revoke the certificate, and shall state the reason therefor.

(d) If the reason for an intended revocation is failure to file the reports or documents required by § 135.213 (c) and (d) the revocation shall be effective 10 days after the date of receipt of the notice of intention to revoke, unless the certificant shall, before revocation, submit the required material or demonstrate that the required material was timely filed.

(e) If the intended denial or revocation is based upon one of the reasons in paragraph (a)(1) or (a)(3) of this section, the applicant or certificant may request, in writing, a hearing to show that the applicant or certificant is in compliance with this subpart. If the applicant or certificant fails to file a timely request for a hearing, the denial or revocation is effective 10 days after receipt of the notice.

(f) If a request for a hearing under paragraph (e) of this section is received by the Fund Administrator within 10 days after the date of receipt of a notice of intention to deny or revoke, the Fund Administrator grants a hearing and notifies the re-

questing party of the date, time, and location of the hearing. If a requesting party fails to enter an appearance at the scheduled hearing, or in lieu thereof fails to submit written evidence for the consideration of the hearing official, denial or revocation is effective as of the scheduled date and time of the hearing, unless an extension of time is granted by the Fund Administrator for good cause shown.

(g) Hearings under this section are informal and are conducted by an official designated by the Fund Administrator. The official conducting the hearing considers all relevant material submitted and makes recommendations to the Fund Administrator.

(h) The Fund Administrator's decision is final agency action.

Subpart D—Notification, Designation, and Advertisement

§ 135.301 Purpose.

(a) This subpart prescribes the requirements concerning notification of pollution incidents, source designation, and advertisement of designations.

§ 135.303 Definitions.

(a) As used in this subpart:

(1) "Advertisement" means the dissemination of information, including methods other than paid advertisements, that advises the public how to contact the designated source of pollution or the Fund to initiate a claim for economic loss.

(2) "Designated source" means a vessel or offshore facility which has been designated by the Commandant as a source of oil pollution.

(3) "Occurrences which pose an imminent threat of oil pollution" means those incidents that are likely to result in a discharge of oil and include, but are not limited to: vessel collisions, grounding or stranding; structural failure in a tank, pipeline or other oil handling system; fire, explosion or other events which may cause structural damage to a vessel or offshore facility.

NOTIFICATION

§ 135.305 Notification procedures.

(c) The person in charge of a vessel or offshore facility that is involved in an incident, including occurrences which pose an imminent threat of oil pollution shall, as soon as that person has knowledge of the incident, immediately notify by telephone, radio telecommunication or a similar rapid means of communication, in the following order of preference:

(1) (Within or offshore of the 48 contiguous States only) The Duty Officer, National Response Center, U.S. Coast Guard, 400 Seventh Street SW., Washington, D.C. 20590, toll free telephone number 800-424-8802; or

(2) The commanding officer or supervisor of any Coast Guard Marine Safety Office, Captain of the Port Office, Marine Safety Detachment or Port Safety Detachment in the vicinity of the incident; or

(3) The commanding officer or officer in charge of any other Coast Guard unit in the vicinity of the incident; or

(4) The Commander of any Coast Guard District.

(b) Notification given in accordance with this subpart constitutes fulfillment of the requirements of Subpart C of 33 CFR Part 153 concerning Notice of the Discharge of Oil.

§ 135.307 Notification contents.

(a) In each notification provided under § 135.305, the person in charge of the vessel or offshore facility involved in the incident shall provide his or her name and telephone number, or radio call sign, and, to the extent known, the:

(1) Location, date and time of the incident;

(2) Quantity of oil involved;

(3) Cause of the incident;

(4) Name or other identification of the vessel or offshore facility involved;

(5) Size and color of any slick or sheen and the direction of movement;

(6) Observed on scene weather conditions, including wind speed and direction, height and direction of seas, and any tidal or current influence present;

(7) Actions taken or contemplated to secure the source or contain and

remove or otherwise control the discharged oil;

(8) Extent of any injuries or other damages incurred as a result of the incident;

(9) Observed damage to living natural resources; and

(10) Any other information deemed relevant by the reporting party or requested by the person receiving the notification.

(b) The person giving notification of an incident must not delay notification to gather all required information and must provide any information not immediately available when it becomes known.

DESIGNATION

§ 135.309 Notice of Designation.

(a) Upon learning of an incident which involves oil pollution, the Commandant designates, where possible, the source of the oil pollution and notifies the owner, operator and guarantor.

(b) Designation is made by a written Notice of Designation containing, to the extent known:

(1) The name of the vessel or offshore facility being designated as the source of oil pollution;

(2) The location, date, and time of the incident;

(3) The quantity of oil involved;

(4) The procedures for accepting or denying the designation;

(5) The initial requirements for advertising, if any; and

(6) The name, address and telephone number of the responsible Federal official to whom further communication regarding the incident, advertisement of the incident, or denial of designation should be directed.

§ 135.311 Denial of designation.

(a) The owner, operator or guarantor of a designated source may deny designation within five days after receipt of a written Notice of Designation.

(b) A denial of designation must be in writing and:

(1) Identify the Notice of Designation; and

(2) Be submitted to the official named in the Notice of Designation

(c) Failure to deny a designation does not, in and of itself, constitute acceptance of liability under the Act for losses resulting from the incident described in the Notice of Designation.

ADVERTISEMENT

§ 135.313 Advertisement determinations.

(a) The Commandant shall determine whether each incident has caused, or is likely to cause, economic loss covered by section 303 (a) of the Act. Where such loss has occurred or is likely to occur, the type, scope, and frequency of advertisement required shall be determined as provided in paragraph (b) of this section.

(b) In making the determination specified in paragraph (a) of this section, the Commandant considers:

(1) The nature and extent of economic losses that have occurred or are likely to occur;

(2) The persons who are likely to incur economic losses;

(3) the geographical area that is or is likely to be affected;

(4) The most effective method of reasonably notifying potential claimants of the designation and procedures for submitting claims; and

(5) Any relevant information or recommendations submitted by the owner, operator or guarantor of the designated source.

(c) The Commandant provides, in writing, the specific requirements for advertising for each pollution incident to the designated representatives of the owner, operator, or guarantor.

§ 135.315 Types of advertisement.

(a) Advertisement required by this subpart shall be made by one or more of the following means:

(1) Paid advertisement in a newspaper, or newspapers, having general circulation in the area designated by the Commandant;

(2) A public service announcement on commercial radio and television stations serving the area designated by the Commandant, when such services are available;

(3) Notice posted in marinas, marine supply stores, bait and tackle shops and other appropriate business estab-

lishments or public facilities in the area designated by the Commandant;

(4) News release to all newspapers, radio and television stations serving the area designated by the Commandant; and

(5) Publication in the Notice to Mariners.

§ 135.317 Frequency and geographical scope of advertisement.

(a) The frequency and geographical coverage of advertisement depends upon the circumstances of each incident and will be specified by the Commandant.

(b) When required, the substance of the required advertisement will be published in at least four successive editions of the Local Notice to Mariners.

§ 135.319 Content of advertisement.

(a) Each advertisement required by this subpart must specify the:

(1) Location, date, and time of the incident;

(2) Geographical area affected, as determined by the Commandant;

(3) Quantity of oil involved;

(4) Name or other description of the source designated by the Commandant;

(5) Identity of the owner, operator or guarantor of the source;

(6) Name, address, telephone number, office hours and work days of the person or persons to whom claims are to be presented and from whom claim information can be obtained.

Subpart E—Access, Denial, and Detention

§ 135.401 Access to vessel, Certificates of Financial Responsibility.

(a) The owner, operator, master or agent of any vessel subject to the Act shall, upon request by any Coast Guard officer or petty officer, permit access to the vessel and produce for examination the Certificate of Financial Responsibility.

§ 135.403

§ 135.403 Sanctions for failure to produce vessel Certificates of Financial Responsibility.

(a) The Captain of the Port issues denial or detention orders to the owner, operator, agent, or master of any vessel that cannot show upon request a valid Certificate of Financial Responsibility issued under the Act.

(b) A denial order forbids entry of any vessel subject to the Act to any port or place in the United States or to the navigable waters of the United States.

(c) A detention order detains any vessel subject to the Act at the port or place in the United States from which it is about to depart for any other port or place in the United States.

(d) The Captain of the Port terminates a denial or detention order when the owner, operator, agent, or master of a vessel furnishes adequate evidence that the certification of financial responsibility requirements under the Act have been met.

§ 135.405 Appeal provisions.

(a) The owner, operator, agent or master of a vessel issued a denial or detention order under this subpart may petition the District Commander in any manner to review that order.

(b) Upon completion of review, the District Commander affirms, sets aside, or modifies the order.

(c) Unless otherwise determined by the District Commander a denial or detention order remains in effect pending the outcome of any petition or appeal of that order.

(d) The District Commander acts on all petitions or appeals within 10 days of receipt.

(e) The decision of the District Commander is final agency action.

PART 136—OFFSHORE OIL POLLUTION COMPENSATION FUND, CLAIMS PROCEDURES

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AUTHORITY: Title III, Pub. L. 95-372, 92 Stat. 670 (43 U.S.C. 1811 et seq.); 49 CFR 1.46.

SOURCE: CGD 77-055, 44 FR 16673, Mar. 19, 1979, unless otherwise noted.

Subpart A—Introduction

§ 136.1 Purpose.

(a) This part prescribes uniform procedures and standards for the settlement of claims against the Offshore Oil Pollution Compensation Fund (the Fund) for economic loss, including removal costs, resulting from or arising out of oil pollution from certain Outer Continental Shelf activities as authorized by and in accordance with Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372; 43 U.S.C. 1811-1824).

§ 136.3 Information.

(a) Any person who desires to file a claim against the Fund may obtain information from the Administrator, Offshore Oil Pollution Compensation Fund, U.S. Coast Guard Headquarters (G-MER-4), 2100 Second Street SW., Washington, D.C. 20593.

[CGD 77-055, 44 FR 16673, Mar. 19, 1979, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 136.5 Definitions.

(a) As used in this part, the following terms shall have the same meaning as defined in section 301 of Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372): "claims"; "cleanup costs"; "damages"; "foreign claimant"; "Fund"; "guarantor"; "incident"; "offshore facility"; "oil pollution"; "operator"; "owner"; "person"; "property"; "removal costs"; "State"; "United States"; "United States claimant"; and "vessel".

(b) As used in this part:

(1) "Act" means Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372, 43 U.S.C. 1811-1824), entitled "Offshore Oil Spill Pollution Fund".

(2) "Administrative Law Judge" means any person designated by the Commandant under 5 U.S.C. 3105 and assigned to hear and resolve disputed claims in accordance with section 307 (i) of the Act.

(3) "Commandant" means the Commandant of the Coast Guard or that person's authorized representative.

(4) "Fund Administrator" means the person to whom the authority and functions of the Commandant as administrator of the Fund are delegated.

(5) "Fund Claims Adjuster" means a person authorized to receive, review, adjust, and pay claims on behalf of the Fund.

(6) "Natural resources" means land, fish, wildlife, biota, air, water, and other such resources belonging to, managed by, held in trust by, appertaining to or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any state or local government, or any foreign government.

(7) "Oil" means petroleum, including crude oil or any fraction or residue therefrom and natural gas condensate, except that the term does not include natural gas.

(8) "Outer Continental Shelf" means "outer Continental Shelf" as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

(9) "Panel" means a three member panel appointed by the Secretary of Transportation in accordance with section 307(h) of the Act.

§ 136.7 Foreign claims.

(a) Claims may be presented by foreign claimants for economic loss, except for loss of tax revenues, to the same extent that compensation for economic loss may be claimed by any United States claimant when the conditions of section 303(b)(6) of the Act are met.

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(b) Foreign claims must be submitted in accordance with the regulations of this part and any additional instructions of the Fund Administrator.

(c) Before any foreign claim may be paid, the Fund Administrator certifies that the foreign claim is appropriate for consideration by the Fund.

Subpart B—General

TIMELINESS

§ 136.101 Time limitation on claims.

(a) A claim will not be considered by the Fund unless presented, in writing, to the Fund within three years of discovery of the economic loss for which compensation is sought or within six years of the date of the incident which resulted in the loss, whichever is earlier.

(b) When necessary to meet this section, a claim may be presented to the Fund even though the claim has been presented to and is under consideration by the owner, operator, or guarantor of a designated source, or other person.

(c) A claim is presented on the date the claim is actually received by a Fund Claims Adjuster or Fund Administrator.

PRESENTMENT

§ 136.103 Federally authorized removal costs.

(a) Claims for federally authorized removal costs incurred under subsection (c), (d), or (1) of section 311 of the Federal Water Pollution Control Act, and section 5 of the Intervention on the High Seas Act must be presented to the fund established by section 311(k) of the Federal Water Pollution Control Act (33 U.S.C. 1251-1376) in accordance with the regulations of Subpart D of 33 CFR Part 153.

§ 136.105 Other claims.

(a) If the source of pollution is known, claims must be presented to the owner, operator, or guarantor of the source, except where the Fund Administrator has advertised or otherwise notified claimants and potential claimants that the claims may be presented to the Fund.

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(b) A claim presented to the owner, operator, or guarantor of the source of pollution which is denied for any reason or not settled by payment within sixty days may be presented to the Fund.

(c) A claim may be presented to the Fund when the source of pollution is not known.

§ 136.107 Presenting claims to the Fund.

(a) A claimant must present a claim to the Fund by making the claim personally at, or by delivering or mailing the claim directly to the Fund Claims Adjuster, if known. If the Fund Claims Adjuster is not known, the claim may be submitted to the Fund Administrator who will forward it to the appropriate adjuster.

§ 136.109 Referral of unsettled claims.

(a) A claimant may present any claim not satisfied under § 136.105(b) by requesting the owner, operator, or guarantor to whom the claim has been presented to refer the claim to the Fund.

(b) The owner, operator, or guarantor shall, within seven days of receiving a request under paragraph (a) of this section, forward the entire claim file directly to the Fund Claims Adjuster specified by the Fund Administrator.

§ 136.111 Form.

(a) A claim must be in writing and include the amount claimed.

(b) Whenever practicable, a claimant should submit a claim in the format specified and on the forms provided by the Fund Claims Adjuster.

(c) Each claim must be signed in ink by the claimant or an authorized agent or legal representative of the claimant.

(d) A claim presented by an agent or legal representative must be presented in the name of the claimant, showing the title or legal capacity of the agent or representative.

§ 136.113 Subrogation.

(a) The claims of subrogor (insured) and subrogee (insurer) for damages arising out of the same incident constitute a single claim.

(b) A subrogor and subrogee may file a claim jointly or individually. If a joint claim is made, it must be signed by all parties in interest.

(c) A fully subrogated claim is payable only to the subrogee.

(d) A subrogee must support a claim in the same manner as any other claimant.

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§ 136.115 Proof.

(a) A claimant seeking damages must establish:

(1) The nature and extent of economic loss incurred;

(2) When and how the economic loss was incurred;

(3) That the cause of the economic loss was oil pollution;

(4) That the source of the oil pollution was an offshore facility or vessel; and

(5) The actions taken to avoid or minimize the effects of the oil pollution.

(b) A claimant seeking cleanup costs must establish that the cleanup costs incurred were the consequence of or in response to an incident.

§ 136.117 Evidence.

(a) A claimant must submit evidence in support of each claim.

(b) A sworn statement of the claimant may be accepted when other evidence is not available.

§ 136.119 Multiple items of damage.

(a) A claimant must include all known losses arising out of a single incident or from the same oil pollution when submitting a claim.

(b) Each separate type of loss (as described in Subpart C of this part) must be separately listed.

(c) In the discretion of the Fund Administrator each separate type of loss may be treated separately for settlement purposes.

§ 136.121 Insurance.

(a) A claimant must provide the following information concerning any insurance owned by the claimant which may cover the loss for which compensation is claimed.

(1) The names and addresses of insurers;

(2) The kind and amount of coverage;

(3) The policy number;

(4) Whether a claim has been or will be presented to an insurer, and if so, the amount of the claim and the name of the insurer; and

(5) Whether any insurer has paid the claim in full or in part, or has indicated whether or not payment will be made.

§ 136.123 Other compensation.

(a) A claimant must include with each claim an accounting, including source and value, of all other compensation received as a consequence of the incident out of which the claim arises including, but not limited to, monetary payments, goods or services, or other benefits.

§ 136.125 Costs incident to claim preparation.

(a) Costs necessarily incurred in the preparation of a claim may be included in the claim.

(b) Compensation may be allowed for reasonable, necessary, costs of claim preparation.

SETTLEMENT AND NOTICE TO CLAIMANT

§ 136.127 Payment.

(a) Payment is made as soon as possible when a claim is approved in full or an offer of settlement is accepted.

(b) Whenever a claim is not approved in full, the claimant is notified in writing of the settlement offer. Acceptance of the settlement offer must be in writing.

(c) The acceptance of an offer in settlement is final and conclusive for all purposes and, upon payment, constitutes a release of the Fund for the claim.

(d) Failure to accept an offer of settlement within thirty days constitutes rejection of the offer.

§ 136.129 Denial of claim.

(a) A claimant will be notified in writing whenever a claim against the Fund is denied, including when denial

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results from rejection, by the claimant, of an offer of settlement.

(b) The notification of paragraph (a) of this section includes a statement of the claimants right to further review of the claim.

(c) A claimant may consider a claim not settled within sixty days of receipt by a Fund Claims Adjuster as being denied for purposes of administrative review.

Subpart C—Procedures for Particular Losses

INJURY TO, DESTRUCTION OF OR LOSS OF USE OF PROPERTY

§ 136.201 Authorized claimants.

(a) A claim for injury to or destruction of real or personal property, which may include loss of use of the property, or a claim for loss of use of real or personal property which is not damaged, may be presented by any person either owning or leasing the property.

§ 136.203 Proof.

(a) A claimant must establish an ownership, rental, or leasehold interest in the property.

(b) For each claim for injury to, or destruction of, property the claimant must establish:

(1) That the property was injured or destroyed;

(2) The cost of repair or replacement; and

(3) The value of the property both before and after injury occurred, if the cost of repairs exceeds replacement cost.

(c) For each claim for loss of use of property, the claimant must establish:

(1) That the property was not available for use;

(2) Whether or not substitute property was available and utilized, and the costs thereof; and

(3) The economic loss incurred as a result of the loss of use of the property.

§ 136.205 Compensation allowed.

(a) The measure of damages for injured property is the actual or estimated net cost of repairs necessary to restore the property to substantially

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the condition which existed immediately before injury.

(b) If the actual or estimated net cost of repairs exceeds the value of the property immediately before injury less the value immediately after injury, the measure of damages is the value of the property immediately before injury less the value immediately after injury.

(c) Compensation for loss of use of property may be allowed for reasonable costs, actually incurred, for use of substitute property or, if substitute property was not reasonably available, for the amount of the net economic loss which resulted from not having use of the property. When substitute property was reasonably available, but not used, compensation for loss of use is not payable.

LOSS OF INCOME DUE TO INJURY TO, OR DESTRUCTION OF, PROPERTY OR NATURAL RESOURCES

§ 136.207 Authorized claimants.

(a) A claim for loss of profits or impairment of earning capacity due to injury to, or destruction of, real or personal property or natural resources may be presented by any person deriving at least 25 per cent of his or her annual income from activities which utilize, or are related to the utilization of, the property or natural resource.

(b) A person who either owns or leases property which is injured or destroyed is not a proper claimant under paragraph (a) of this section. That person should claim under § 136.201.

(c) A person who uses natural resources directly is not a proper claimant under paragraph (a) of this section. That person should claim under § 136.219.

§ 136.209 Proof.

(a) The claimant must establish:

(1) That property or natural resources have been injured or destroyed;

(2) That 25 per cent of the claimant's income, on an annual basis, is derived from activities which utilize, or are related to the utilization of, the injured or destroyed property or natural resources;

(3) That the claimant's income from these activities was reduced as a consequence of injury or destruction of the property or natural resources; and

(4) Whether or not substitute employment, or business, was available and undertaken and, if so, the amount of income received.

§ 136.211 Compensation allowed.

(a) Compensation is limited to the reduction or loss of earnings or profits suffered but is not allowed for lost employment or business when appropriate substitute employment or business was available but not undertaken.

(b) If substitute employment or business was undertaken, any resulting reduction in earnings or profits may be allowed.

INJURY TO, OR DESTRUCTION OF, NATURAL RESOURCES

§ 136.213 Authorized claimants.

(a) A claim for injury to, or destruction of, natural resources may be presented by:

(1) A Federal agency designated by the President, as trustee, for those natural resources over which the United States has sovereign rights or exercises exclusive management authority; or

(2) Any State, for natural resources within the boundary of the State belonging to, managed by, controlled by, or appertaining to the State.

§ 136.215 Proof.

(a) A claimant must establish:

(1) The identification and quantity of the natural resource for which compensation is claimed;

(2) The nature and extent of the injury to the natural resource;

(3) The cost to restore or replace the natural resource; and

(4) Any economic loss relating to the natural resource which would not be recovered by replacement or restoration.

§ 136.217 Compensation allowed.

(a) The amount of compensation is based on:

(1) The cost to restore, rehabilitate, or acquire the equivalent of the natural resource; and

(2) Any additional associated economic loss actually suffered.

LOSS OF USE OF NATURAL RESOURCES

§ 136.219 Authorized claimants.

(a) A claim for loss of use of natural resources may be presented by any person who incurs economic loss as a result of not being able to directly use any natural resource.

§ 136.221 Proof.

(a) A claimant must establish:

(1) The identification of the natural resource for which compensation for loss of use is claimed;

(2) The activity which the loss of use of the natural resource prevented or affected;

(3) An explanation of how the use of the natural resource was affected;

(4) Alternatives to the activity and whether or not utilized, and if so, how, and with what result; and

(5) The economic loss suffered.

§ 136.223 Compensation allowed.

(a) The amount of compensation allowed is the net economic loss incurred except that compensation is not allowed to the extent that reasonable alternatives to the affected activity were available but not utilized.

CLEANUP COSTS

§ 136.225 Authorized claimants.

(a) A claim for cleanup costs may be presented by any person.

§ 136.227 Proof.

(a) A claimant must establish:

(1) The actions taken to prevent, minimize, or mitigate oil pollution;

(2) The costs and other economic loss incurred as a result of these actions; and

(3) Why the actions were taken.

§ 136.229 Compensation allowed.

(a) The amount of compensation allowed is the total of reasonable costs and other economic loss incurred.

(b) Except for action taken with respect to property owned, leased, or otherwise subject to the supervision, management, or use of the claimant,

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voluntary actions will not ordinarily be compensated.

LOSS OF TAX REVENUE DUE TO INJURY TO PROPERTY

§ 136.231 Authorized claimants.

(a) A claim for loss of tax revenue may be presented on behalf of the United States, or any State or political subdivision thereof with authority to assess and collect taxes, by the official charged with the responsibility and authority for collecting these taxes.

§ 136.233 Proof.

(a) A claimant must establish:

(1) The identification and description of the tax for which compensation is claimed, including authority and regulations, property affected, method of assessment, rate, and method and dates of collection;

(2) That a consequence of the oil pollution was a reduction in tax revenue;

(3) The total tax assessment or tax revenue collected for the tax period before injury occurred; and

(4) The net loss of revenue.

§ 136.235 Compensation allowed.

(a) The amount of compensation allowed is the total tax revenue actually lost during the one year period following the oil pollution incident.

Subpart D—Administrative Review of Claims

§ 136.301 General.

(a) Administrative review of the denial of a claim is either by panel or administrative law judge in accordance with the Administrative Procedure Act (5 U.S.C. 554), section 307 of the Act, and these regulations.

§ 136.303 Initiation of administrative review.

(a) A claimant must initiate review of a claim by written notice, within 30 days of the denial of a claim, to the Fund Administrator, for forwarding to the Commandant.

(b) Upon receipt of a request for review of a claim the Commandant refers the claim to an administrative law judge or recommends to the Secre-

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tary of Transportation that the claim be referred to a panel. If the Secretary does not refer the claim to a panel, the claim is returned to the Commandant for referral to an administrative law judge. The Commandant notifies the claimant of the action taken.

(c) The Fund Administrator may reconsider any claim at any time before a claim is referred to an administrative law judge or panel.

§ 136.305 Procedures.

(a) The administrative law judge, or presiding officer of a panel, is responsible for all proceedings for review of a claim and, may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas;

(3) Adopt procedures for the submission of evidence;

(4) Rule on offers of proof and receive evidence;

(5) Dispose of procedural requests and similar matters; and

(6) Convene, recess, reconvene, adjourn, and otherwise regulate the hearing.

(b) An informal, preliminary conference is held, in advance of the hearing, presided over by the administrative law judge, or presiding officer, to narrow the issues and otherwise discuss the specific matters in dispute.

(c) A verbatim record is made of the hearing. A transcript is not prepared unless either an appeal is taken or the administrative law judge, or presiding officer, specifically so orders. If a transcript is either required or desired for further review of the claim the moving party must order and pay for the original transcript for use by the reviewer. The parties are responsible for obtaining copies of the transcript for their own use.

(d) The administrative law judge, or panel, promptly renders a decision following the close of the proceedings.

(e) The decision of the administrative law judge, or panel, constitutes final agency action, unless, within 30 days of the decision, review under § 136.309 has been directed.

§ 136.307 Subpenas.

(a) The administrative law judge, or presiding officer, may issue subpenas for the attendance and the giving of testimony by witnesses or for the production of any relevant evidence either upon motion by the administrative law judge, or presiding officer, or upon request of either the claimant or Fund.

(b) Each subpoena bears the name "Offshore Oil Pollution Compensation Fund" and the name and address of the issuing administrative law judge or presiding officer and commands the person to whom it is directed to testify at a specified time and place or to produce at a specified time and place books, papers, documents, or any other evidence described in the subpoena with the particularity necessary to identify what is desired.

(c) Service of a subpoena shall be by personal service, or by certified mail with return receipt to be signed by the addressee only. Proof of service, or an explanation of the lack of service, shall consist of appropriate endorsement upon a copy of the subpoena, and shall be delivered to the administrative law judge, or presiding officer.

(d) The person to whom a subpoena is directed may apply to the administrative law judge, or presiding officer, in writing, to request that the subpoena be quashed or modified. The administrative law judge, or presiding officer, promptly considers and rules on the request. The request must be made at least five days before appearance is required or documents must be produced.

(e) Subpoenaed witnesses are entitled to the same fees and mileage allowance as witnesses subpoenaed by District Courts of the United States. These witness expenses are reimbursable by the Fund, to be paid by the Fund Administrator, if and when certified by the administrative law judge, or presiding officer, as costs necessary to settle claims against the fund.

(f) If the administrative law judge, or presiding officer, rules that good cause has been shown for seeking judicial enforcement of a subpoena, the ruling is referred to the United States District Court for enforcement.

§ 136.309 Review of administrative determination.

(a) Either the claimant or the Fund may petition the Secretary of Transportation, in the case of administrative review by panel, or the Commandant, in the case of administrative review by administrative law judge, for further review. Review is granted at the discretion of the Secretary or Commandant, as appropriate.

(b) A petition under paragraph (a) of this section must:

- (1) Be in writing;
- (2) Be made within 15 days of the decision of the administrative body; and
- (3) Specify the issues in dispute and the basis for the appeal.

(c) Either the Secretary of Transportation, for a claim reviewed by a panel, or the Commandant, for a claim reviewed by an administrative law judge, may, on their own initiative, review the decision of the administrative body.

PART 137—DEEPWATER PORT
LIABILITY FUND

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AUTHORITY: 33 U.S.C. 1509(a), 1512(a), 1517(j)(1); 49 CFR 1.46.

SOURCE: CGD 79-158, 50 FR 32969, Aug. 15, 1985, unless otherwise noted.

Subpart A—General

§ 137.1 Purpose.

This part contains the policies, procedures, and administrative practices regarding the management and operation of the Deepwater Port Liability Fund and related requirements.

§ 137.3 Applicability.

This part applies to each person who—

- (a) Has been granted a license by the Secretary of Transportation to construct, operate, and maintain a deepwater port facility offshore of the United States;
- (b) Owns or operates any vessel subject to section 18 of the Act;
- (c) Provides financial responsibility for any vessel using a deepwater port; and
- (d) Sustains cleanup costs or damages as a consequence of oil pollution from United States deepwater port activities.

§ 137.5 Definitions.

As used in this part—

“Act” means the Deepwater Port Act of 1974 as amended (33 U.S.C. 1501);

“Barrel” means 42 U.S. gallons at atmospheric pressure and 60 degrees Fahrenheit;

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“Fund” means the Deepwater Port Liability Fund established by section 18(f)(1) of the Act;

“Fund Administrator” means the Chief, Office of Marine Safety, Security and Environmental Protection;

“Fund Claims Adjuster” means a person authorized to receive, review, adjust, and pay claims on behalf of the Fund.

[CGD 79-158, 50 FR 32969, Aug. 15, 1985, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

Subpart B—Fund Organization, Administration, and Management

§ 137.101 General.

Management of the Fund program daily activities is conducted by the Funds Management Branch staff, Marine Environmental Response Division, located within the Office of Marine Safety, Security and Environmental Protection at U.S. Coast Guard Headquarters.

[CGD 79-158, 50 FR 32969, Aug. 15, 1985, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 137.103 Fund address.

The address to which correspondence relating to the Fund program should be directed is: Funds Management Branch, Commandant (G-MER-4) U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

[CGD 79-158, 50 FR 32969, Aug. 15, 1985, as amended by CGD 88-052, 53 FR 25120, July 1, 1988]

§ 137.105 Fund Administrator's authority, delegation.

The Fund Administrator is delegated authority to perform those functions of the Commandant, U.S. Coast Guard, under section 18 of the Act that are necessary to administer the Funds.

§ 137.107 Fund Administrator's powers, duties, and obligations.

(a) The Fund Administrator conducts the activities of the Fund, including but not limited to the following:

(1) Development, promulgation, and revision of program policies and regulations incidental to Fund administration.

(2) Receipt and verification of Fund revenues comprised of barrel fees, penalties and interest income earned on Fund investments of those revenues.

(3) Verification and payment of costs and expenses reasonably necessary to Fund administration and the settlement of claims against the Fund.

(4) Investment, as provided in section 18(f)(3) of the Act, of all Fund revenues not needed for administration and the satisfaction of claims.

(5) Recovery of any monies to which the Fund is entitled as subrogee under circumstances set forth in section 18(h) (3) and (4) of the Act.

(6) Determinations of the character and nature of Fund obligations and expenditures, and the manner in which those obligations and expenditures are incurred, allowed, and paid.

Subpart C—Fund Revenues, Accounting, and Audit

§ 137.201 Purpose.

This subpart contains the requirements concerning the calculation and delivery to the Fund, by deepwater port licensees, of the barrel fee revenues collected from the owners of oil loaded or unloaded at a deepwater port and the accounting for and audit of the Fund revenues.

§ 137.203 Applicability.

This subpart applies to each deepwater port licensee.

§ 137.205 Computation of barrel fees due the Fund.

Each deepwater port licensee shall compute the barrel fees due the Fund, at the rate of 2¢ per barrel, on the basis of the monthly oil throughput report required by § 150.707 of this chapter.

§ 137.207 Payment of fees.

(a) Each licensee shall pay the barrel fees due the Fund, on oil loaded or unloaded at the port during the preceding month, by one of the meth-

ods listed in paragraph (b) of this section.

(b) Barrel fees due the Fund must be paid by—

(1) Electronic transfer of funds as arranged with the Fund Administrator;

(2) A check or bank draft made payable to the U.S. Coast Guard; or

(3) Money order drawn to the order of the U.S. Coast Guard.

(c) The payment must be transmitted in time to be received by the Fund Administrator at the address listed in § 137.103 by the fifteenth of each month, or the closest following business day.

(d) Each payment to the Fund must be for the exact amount of oil loaded or unloaded at the port during the preceding month unless the licensee is concurrently reporting a variance under § 137.213(b) of this subpart.

§ 137.209 Adjustments.

(a) The Fund Administrator reviews each payment to the Fund and notifies each licensee if any apparent discrepancies are found.

(b) In general, each licensee may make adjustments to correct mathematical errors resulting in either overpayment or underpayment of the fees due the Fund.

(c) The manner and time by which adjustments for overpayment or underpayment are made are determined by the Fund Administrator and normally will occur with the following month's payment to the Fund.

§ 137.211 Suspension of fee collections.

(a) When the Fund Administrator determines the unobligated Fund balance less unliquidated debts to the United States Treasury exceeds \$4 million, collection of the 2¢ barrel fee by any licensee is suspended.

(b) The Fund Administrator notifies each licensee by the twentieth of the month if the collection of fees is to be suspended.

(c) After any suspension of barrel fee collections by the Fund Administrator, each licensee shall resume collection of fees and resume payments to the Fund as prescribed in § 137.207.

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when directed by the Fund Administrator.

(d) Any suspension of barrel fee collections under this section does not relieve a deepwater port licensee of the oil throughput reporting requirements in § 150.707 of this chapter.

§ 137.213 Oil excluded from fee collection.

(a) A deepwater port licensee shall not collect barrel fees on any bunker or fuel oil for use by a vessel, or any oil which was transported through the Trans-Alaska Pipeline system (TAPS).

(b) When making the barrel fee payments due the Fund, each licensee shall explain in writing, in the oil throughput report, at the time of each payment, the reasons for any variance in the number of barrels of oil reported and payment submitted that is attributed to any bunker or fuel oil or the TAPS oil referred to in paragraph (a) of this section.

§ 137.215 Audit.

(a) The Fund Administrator audits barrel fee payments to the Fund. Each deepwater port licensee shall permit the Fund Administrator (or his representative) access to all financial records, reports, and files maintained by the licensee relevant to the computation, charging, collecting, and payment of barrel fees to the Fund, including the oil throughput log required by § 150.757 of this chapter.

(b) To facilitate Fund audits, each licensee shall keep the financial data identified in paragraph (a) of this section in a manner which makes it readily accessible for audit.

(c) The time period a licensee shall retain the financial records necessary to conduct Fund audits, and the specific type of records to be retained, shall be agreed upon by each licensee and the Fund Administrator. The period of retention will generally be for three years or until any Fund audits are approved by the Fund Administrator, whichever occurs first.

Subpart D—Vessel Financial Responsibility

§ 137.301 Purpose.

(a) This subpart contains requirements concerning the demonstration

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of financial responsibility by a vessel owner or operator, in an amount sufficient to meet the liabilities imposed on an owner and operator by section 18 of the Act.

(b) For the purpose of this subpart, "vessel" means any tanker which is moored at a deepwater port or which is within the designated safety zone of a deepwater port for the purpose of loading or unloading oil as cargo, exclusive of bunkers.

§ 137.303 Financial responsibility documentation.

(a) In addition to obtaining a Certificate and Financial Responsibility pursuant to 33 CFR Part 130 and complying with the requirements of any other applicable laws and regulations, the owner or operator of any vessel shall—

(1) Have insurance or surety bond coverage in the amount of \$150 per gross ton of the vessel or \$20,000,000, whichever is less, to meet the additional liability imposed by section 18 of the Act; and

(2) Provide to the Fund Administrator an original certification executed by the insurer or surety, with a copy to the involved deepwater port licensee. That certification shall contain the information set forth in § 137.305(a).

(b) The owner or operator of a vessel need not comply with paragraph (a)(2) of this section if—

(1) The insurer providing the insurance necessary to meet the liability imposed by section 18 of the Act, has executed an endorsement, approved by the Fund Administrator, to an existing Form CG-5358-9 (33 CFR Part 130), thereby demonstrating acceptable evidence of financial responsibility; and

(2) The insurer has submitted the original endorsement to the Fund Administrator, with a copy to the involved deepwater port licensee.

(c) A certification or endorsement, signed by a person who the Fund Administrator determines is not acceptable for purposes of providing evidence of financial responsibility, shall not be considered acceptable evidence of financial responsibility.

(d) Whenever there is any change to the financial responsibility document

tation under this subpart, including cancellation or non-renewal of insurance or surety coverage, the vessel owner, operator or underwriter shall immediately provide written notice of the changes to the Fund Administrator and the involved deepwater port licensee.

§ 137.395 Certification contents.

(a) The certification referred to in § 137.303(a)(2) must be in English and must be signed and dated by the person, or authorized representative of the person, providing the insurance or surety coverage. The certification must include the following:

(1) Name and address of the insurer or surety providing coverage for purposes of compliance with the section 18 of the Act and the regulations in this subpart.

(2) Name of vessel, and name of owner or operator covered, jointly and severally, against cleanup costs and damage liability under section 18 of the Act.

(3) Type of financial responsibility coverage provided, i.e., insurance or surety.

(4) Amount of financial responsibility coverage provided, i.e., \$150 per gross ton of the vessel or \$20,000,000, whichever is less.

(5) A statement that the coverage provided is not conditioned or dependent in any way upon any agreement or understanding between the underwriter and the owner or operator, and that only the defenses provided under section 18 of the Act are applicable.

(6) The effective date of the coverage provided.

(7) A statement that the coverage applies to the named vessel or vessels in respect of discharge incidents which give rise to claims under section 18 of the Act and which occur on or after the effective date and before the expiration date of the coverage.

(b) No provision contained in the certification referred to in paragraph (a) of this section may nullify, modify or limit the effect or intent of the seven statements listed in that paragraph. Any provision which may be construed as so nullifying, modifying, or limiting is void to the extent of

such nullification, modification, or limitation.

(c) The definitions contained in the Act, § 137.5 and § 137.301(b) of this subpart apply to the language of the certification provided in accordance with paragraph (a) of this section.

Subpart E—Notification

§ 137.401 Purpose.

This subpart contains the requirements concerning the notice of a discharge of oil from a vessel or from a deepwater port.

§ 137.403 Notification.

The immediate notification of a discharge of oil required by 33 U.S.C. 1517(b) must be made by telephone, radiotelecommunication, or a similar rapid means of communication, as specified in Subpart B of Part 153 of this chapter.

Subpart F—Claims Procedures

§ 137.501 Purpose.

This subpart contains the procedures for the filing and payment of claims against the Fund for cleanup costs and damages resulting from a discharge of oil from deepwater port activities.

§ 137.503 General.

(a) Except where modified or supplemented by the provisions of this subpart, or excepted in paragraph (c) of this section, the requirements in Part 136 of this chapter, Offshore Oil Pollution Compensation Fund Claims Procedures, apply to the settlement and adjudication of claims against the Fund.

(b) For the purpose of this subpart, the terms "economic loss," "offshore facility," and "vessel," as used in Part 136 of this chapter, mean "damages or cleanup costs," "deepwater port," and "vessel" respectively as defined in the Act.

(c) The following sections of Part 136 of this chapter do not apply to the filing, processing, and payment of claims authorized under section 18 of the Act:

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(1) Subpart A—§§ 136.1 through 136.7;

(2) Sections 136.101, 136.105, 136.109, 136.115 (a)(4) and 136.129(c);

(3) Sections 136.207(a), 136.213, 136.231 through 136.235; and

(4) Subpart D—§§ 136.301 through 136.309.

§ 137.505 Information.

Any person who desires to file a claim under section 18 of the Act may obtain information and specific guidance from the Fund staff by writing to Funds Management Branch, Commandant (G-MER-4), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

[CGD 79-158, 50 FR 32969, Aug. 15, 1985, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§ 137.507 Filing claims.

(a) A claim may not be filed against the Fund without filing a claim against the deepwater port licensee or the owner or operator of the vessel which is the source of the discharge.

(b) A claim may be filed with the Fund simultaneously with filing a claim against the deepwater port licensee or the owner or operator of a vessel which is the source of the discharge; however, the Fund does not act on the claim until it appears, to the satisfaction of the Fund Administrator, that a settlement of the claim against the source of the discharge will not be timely reached.

(c) A claim against the Fund may be filed not more than three years after the date of the discharge giving rise to the claim.

(d) A claim against the Fund is considered filed on the date the claim is actually received by a Fund Claims Adjuster or the Fund Administrator.

§ 137.509 Claims allowed.

(a) Claims resulting from a discharge of oil may be filed for cleanup costs and damages, including but not limited to damages—

- (1) Suffered by any person;
- (2) Involving real or personal property;

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(3) Involving natural resources of the marine environment; and

(4) Involving the coastal environment of any nation.

(b) The damages in paragraph (a) of this section may be claimed without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or natural resources.

(c) For all claims, a claimant must establish that the source of the oil pollution was a deepwater port, a vessel within a safety zone, or a vessel which has received oil from another vessel at a deepwater port.

(d) A claim for loss of profits or impairment of earning capacity due to injury to, or destruction of, real or personal property or natural resources may be presented by any person deriving income from activities which utilize, or are related to the utilization of, the property or natural resource.

§ 137.511 Trans-Alaska Pipeline oil pollution.

Damages from a discharge of Trans-Alaska Pipeline oil from a deepwater port are compensated in accordance with section 18 of the Act and the requirements of this part.

NOTE: Claims involving Trans-Alaska Pipeline oil discharged from a vessel are filed under the provisions of 43 CFR Part 29.

§ 137.513 Review of claims against the Fund.

(a) Administrative review of any determination by a Fund Claims Adjuster concerning the denial of a claim against the Fund is conducted by the Fund Administrator in accordance with section 18 of the Act and the regulations in this part.

(b) A claimant must initiate administrative review of a claim against the Fund within 30 days of the denial of a claim, by submitting a written request for review, together with any supporting data, to the Fund Administrator.

(c) The Fund Administrator's decision after administrative review of the denial of a claim is final agency action.

(d) Judicial review of any final determination on claims against the Fund is in accordance with section 18(j)(3) of the Act.

SUBCHAPTER N—OUTER CONTINENTAL SHELF ACTIVITIES

PART 140—GENERAL

Subpart A—General

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- 140.1 Purpose.
 - 140.2 Applicability.
 - 140.4 Relationship to other law.
 - 140.5 Exemptions during construction.
 - 140.7 Incorporation by reference.
 - 140.10 Definitions.
 - 140.15 Equivalents and approved equipment.
 - 140.20 Delegations.
 - 140.25 Appeals.
 - 140.30 Judicial review.
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 - 140.40 Processing penalty cases.

Subpart B—Inspections

- 140.101 Inspection by Coast Guard marine inspectors.
- 140.103 Deficiencies discovered during inspections.
- 140.105 OCS facility inspections.

Subpart C—Investigations

- 140.201 General.
- 140.203 Investigation procedures.
- 140.205 Subpoenas.

AUTHORITY: 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

SOURCE: CGD 78-160, 47 FR 9376, Mar. 4, 1982, unless otherwise noted.

Subpart A—General

§ 140.1 Purpose.

This subchapter is intended to promote safety of life and property on Outer Continental Shelf (OCS) facilities, vessels, and other units engaged in OCS activities, protect the marine environment, and implement the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372, 92 Stat. 629).

§ 140.2 Applicability.

Unless otherwise stated, this subchapter applies to OCS facilities, vessels, and other units engaged in OCS activities as the term "OCS activities" is defined in § 140.10. This subchapter

does not apply to pipelines and deepwater ports (as the term "deepwater port" is defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502)).

§ 140.4 Relationship to other law.

(a) Design and equipment requirements of this subchapter for OCS facilities, including mobile offshore drilling units in contact with the seabed of the OCS for exploration or exploitation of subsea resources, are in addition to the regulations and orders of the U.S. Geological Survey applicable to those facilities.

(b) Any apparent conflict between the application of any requirement of this subchapter and any regulation or order of the U.S. Geological Survey should immediately be brought to the attention of the Officer in Charge, Marine Inspection.

(c) This subchapter does not establish design requirements for fixed OCS facilities or regulate drilling or production equipment on any OCS facility or attending vessel, except for matters affecting navigation or workplace safety or health.

§ 140.5 Exemptions during construction.

The Officer in Charge, Marine Inspection, may exempt any unit under construction from any requirements of this subchapter that would be impracticable or unreasonable to apply during construction or erection of the unit.

§ 140.7 Incorporation by reference.

(a) Certain materials are incorporated by reference into this subchapter with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of the change must be published in the *FEDERAL REGISTER* and the material made available to the public. All approved material is on file at the Office of the Federal Register, 1100 L Street, NW., Washington, DC and at U.S. Coast Guard, Merchant Vessel Inspec-

tion and Documentation Division (G-MVI), 2100 Second Street, SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this subchapter and the sections affected are as follows:

<i>American National Standards Institute (ANSI)</i>	
1430 Broadway, New York, NY 10018	
ANSI A10.14-1975—Requirements for Safety Belts, Harnesses, Lanyards, Lifelines, and Drop Lines for Construction and Industrial Use.....	142.42
ANSI/UL1123-1987—Standard for Marine Buoyant Devices....	143.405
ANSI Z41-1983—American National Standard for Personal Protection-Protective Footwear.....	142.33
ANSI Z87.1-1979—Practice for Occupational and Educational Eye and Face Protection.....	142.27
ANSI Z88.2-1980—Practices for Respiratory Protection.....	142.39
ANSI Z89.1-1981—Safety Requirements for Industrial Head Protection.....	142.30
<i>International Maritime Organization (IMO)</i>	
IMO Sales, New York Nautical Instrument and Service Corp., 140 W. Broadway, New York, NY 10013	
IMO Assembly Resolution A.414 (XI) Code for Construction and Equipment of Mobile Offshore Drilling Units.....	143.207; 146.205

[CGD 84-098b, 54 FR 21571, May 18, 1989]

§ 140.10 Definitions.

As used in this subchapter: "Act" means the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331 et seq.), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372).

"Approved" means approved by the Commandant, unless otherwise indicated.

"Attending vessel" means a vessel which is moored close to and readily

accessible from an OCS facility for the purpose of providing power, fuel, or other services to the operation being conducted on the facility.

"Commandant" means Commandant of the Coast Guard or that person's authorized representative.

"Development" means those activities which take place following discovery of minerals in paying quantities, including, but not limited to, geophysical activity, drilling, and platform construction, and which are for the purpose of ultimately producing the minerals discovered.

"District Commander" means an officer who commands a Coast Guard District described in Part 3 of this chapter or that person's authorized representative.

"Exploration" means the process of searching for minerals, including, but not limited to, (1) geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals, and (2) any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional delineation well after the discovery which is needed to delineate any reservoir and to enable the lessee to determine whether to proceed with development and production.

"Fixed OCS facility" means a bottom founded OCS facility permanently attached to the seabed or subsoil of the OCS, including platforms, guyed towers, articulated gravity platforms, and other structures.

"Floating OCS facility" means a buoyant OCS facility securely and substantially moored so that it cannot be moved without a special effort. This term includes tension leg platforms and permanently moored semi-submersibles or shipshape hulls but does not include mobile offshore drilling units and other vessels.

"Investigating officer" means a person assigned by the Commandant, a District Commander, or an Officer in Charge, Marine Inspection, to conduct an investigation of an accident, casualty, or other incident.

"Manned facility" means an OCS facility on which people are routinely accommodated for more than 12 hours in successive 24 hour periods.

"Manned platform" means a fixed OCS facility on which people are routinely accommodated for more than 12 hours in successive 24 hour periods.

"Marine inspector" means a person designated as such by an Officer in Charge, Marine Inspection, to perform inspections of units to determine whether or not the requirements of laws administered by the Coast Guard and of Coast Guard regulations are met.

"Minerals" includes oil, gas, sulphur, geopressed-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from "public lands" as defined in section 103 of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

"Mobile offshore drilling unit" or "MODU" means a vessel, other than a public vessel of the United States, capable of engaging in drilling operations for exploration or exploitation of subsea resources.

"Officer in Charge, Marine Inspection" means a person who commands a Marine Inspection Zone described in Part 3 of this chapter and who is immediately responsible for the performance of duties with respect to inspections, enforcement, and administration of regulations governing units.

"Operator" means—(1) In the case of a vessel, a charterer by demise or any other person who is responsible for the operation, manning, victualing, and supplying of the vessel; or

(2) In the case of an OCS facility, the operator as defined in 30 CFR 250.2(gg).

"Outer Continental Shelf" or "OCS" means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

"OCS activity" means any offshore activity associated with exploration for, or development or production of,

the minerals of the Outer Continental Shelf.

"OCS facility" means any artificial island, installation, or other device permanently or temporarily attached to the subsoil or seabed of the Outer Continental Shelf, erected for the purpose of exploring for, developing, or producing resources therefrom, or any such installation or other device (other than a ship or vessel) for the purpose of transporting such resources. The term includes mobile offshore drilling units when in contact with the seabed of the OCS for exploration or exploitation of subsea resources. The term does not include any pipeline or deepwater port (as the term "deepwater port" is defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502)).

"Owner" means a person holding title to or, in the absence of title, other indicia of ownership of a unit; however, this does not include a person who holds indicia of ownership primarily to protect a security interest in the unit and does not participate in the management or operation of the unit.

"Person" means an individual, association, partnership, consortium, joint venture, private, public, or municipal firm or corporation, or a government entity.

"Person in charge" means the master or other individual designated as such by the owner or operator under § 146.5 of this subchapter or 46 CFR 109.107.

"Personnel" means individuals who are employed by leaseholders, permit holders, operators, owners, contractors, or subcontractors and who are on a unit by reason of their employment.

"Production" means those activities which take place after the successful completion of any means for the removal of minerals, including, but not limited to, such removal, field operations, transfer of minerals to shore, operation monitoring, maintenance, and workover.

"Rebuilt" means having had substantial alteration or reconstruction of the hull or principal structural component.

"Standby vessel" means a vessel meeting the requirements of Part 143,

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Subpart E, of this chapter and specifically designated in an Emergency Evacuation Plan under §§ 146.140 or 146.210 of this chapter to provide rapid evacuation assistance in the event of an emergency.

"Unit" means any OCS facility, vessel, rig, platform, or other vehicle or structure, domestic or foreign.

"Unmanned facility" means an OCS facility, other than a floating facility or mobile offshore drilling unit, which is not a manned facility even though it may be continuously serviced by an attending vessel.

"Unmanned platform" means a fixed, bottom-founded OCS facility which is not a manned facility even though it may be continuously serviced by an attending vessel.

"Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

[CGD 78-160, 47 FR 9376, Mar. 4, 1982, as amended by CGD 79-077, 51 FR 25059, July 10, 1986; CGD 84-088b, 54 FR 21571, May 18, 1989]

§ 140.15 Equivalents and approved equipment.

(a) The use of alternate equipment or procedures for those specified in this subchapter may be permitted by an Officer in Charge, Marine Inspection, to the extent and upon conditions as will insure a degree of safety comparable to or greater than that provided by the minimum standards in this subchapter.

(b) Where equipment in this subchapter is required to be of an approved type, the equipment requires the specific approval of the Commandant. Approvals are published in the *FEDERAL REGISTER* and Coast Guard Publication CG-190, "Equipment Lists", available from Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593-0001.

(c) Specifications for certain items required to be of an approved type are contained in 46 CFR Parts 160 through 164.

[CGD 78-160, 47 FR 9376, Mar. 4, 1982, as amended at CGD 88-052, 53 FR 25121, July 1, 1988]

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§ 140.20 Delegations.

(a) Each District Commander is responsible for the administration and enforcement of the regulations in this subchapter within that person's assigned district.

(b) Under the general superintendence of the District Commander, the Officer in Charge, Marine Inspection, is delegated authority to administer and enforce the regulations in this subchapter.

(c) Authority delegated under this section may be redelegated as necessary by the delegate.

§ 140.25 Appeals.

(a) Any person directly affected by an action or decision of an Officer in Charge, Marine Inspection, under the Act or the regulations in this subchapter may request reconsideration of that action or decision. If still dissatisfied, that person may appeal the action or decision of the Officer in Charge, Marine Inspection, within 30 days to the District Commander of the District in which the action was taken or the decision made. The District Commander issues a decision after reviewing the appeal submitted under this paragraph.

(b) Any person not satisfied with the decision of a District Commander may appeal that decision within 30 days to the Commandant, who issues a ruling after reviewing the appeal submitted under this paragraph. Rulings of the Commandant constitute final agency action.

(c) An appeal to the District Commander or Commandant:

(1) Must be made in writing, except in an emergency when an oral appeal may be accepted;

(2) Must be submitted to the District Commander of the District in which the action was taken or the decision made;

(3) Must describe the decision or action being appealed;

(4) Must state the reasons why the action or decision should be set aside or modified; and

(5) May contain any supporting documents and evidence that the appellant wishes to have considered.

(d) Pending determination of any appeal, the action or decision appealed remains in effect, unless suspended by the District Commander to whom the appeal was made or by the Commandant.

§ 140.30 Judicial review.

(a) Nothing in this subchapter shall be construed to prevent any interested party from seeking judicial review as authorized by law.

(b) Judicial review of the regulations in this subchapter, or any final ruling or order of the Commandant or that person's delegate pursuant to the Act or the regulations in this subchapter, is governed by the judicial review provisions of section 23 of the Act (43 U.S.C. 1349).

§ 140.35 Sanctions.

(a) Any person who fails to comply with:

- (1) Any provision of the Act;
- (2) Any regulation in this subchapter; or

(3) Any order issued under the Act or the regulations in this subchapter by the Commandant, a District Commander, or an Officer in Charge, Marine Inspection, after notice of the failure and after expiration of any reasonable period allowed for corrective action, shall be liable for a civil penalty of not more than \$10,000 for each day of the continuance of the failure.

(b) Any person who knowingly and willfully:

- (1) Violates any provision of the Act;
- (2) Violates any regulation in this subchapter designed to protect health, safety, or the environment;

(3) Violates any order of the Commandant, District Commander, or Officer in Charge, Marine Inspection, issued under the Act or the regulations in this subchapter that is designed to protect health, safety, or the environment;

(4) Makes any false statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under the Act or the regulations in this subchapter;

(5) Falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be

maintained under this Act or the regulations in this subchapter; or

(6) Reveals any data or information required to be kept confidential by the Act shall, upon conviction, be punished by a fine of not more than \$100,000, or by imprisonment for not more than ten years, or both. Each day that a violation under paragraph (b)(1), (b)(2), or (b)(3) of this section continues, or each day that any monitoring device or data recorder remains inoperative or inaccurate because of any activity described in paragraph (b)(5) of this section, constitutes a separate violation.

(c) Whenever a corporation or other entity is subject to prosecution under paragraph (b) of this section, any officer or agent of the corporation or entity who knowingly and willfully authorized, ordered, or carried out the prescribed activity shall be subject to the same fines or imprisonment, or both, as provided for under paragraph (b) of this section.

(d) The penalties prescribed in this section are concurrent and cumulative and the exercise of one does not preclude the exercise of the others. Further, the penalties prescribed in this section are in addition to any other penalties afforded by any other law or regulation.

§ 140.40 Processing penalty cases.

Apparent violations of the regulations in this subchapter are processed in accordance with Subpart 1.07 of 33 CFR Part 1 on civil and criminal penalty proceedings, except as follows:

(a) The District Commander refers civil penalty cases to the Secretary of the Interior, or that person's delegate, who, under the Act, assesses, collects, and compromises civil penalties.

(b) If a possible violation investigated by the Coast Guard carries both a civil and a criminal penalty, the District Commander determines whether to refer the case to the U.S. Attorney for criminal prosecution or to the Secretary of the Interior, or that person's delegate, for civil penalty proceedings.

(c) When the U.S. Attorney declines to institute criminal proceedings, the District Commander decides whether to refer the case to the Secretary of

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the Interior, or that person's delegate, for civil penalty proceedings or to close the case.

Subpart B—Inspections

§ 140.101 Inspection by Coast Guard marine inspectors.

(a) Each unit engaged in OCS activities is subject to inspection by the Coast Guard.

(b) Under the direction of the Officer in Charge, Marine Inspection, marine inspectors may inspect units engaged in OCS activities to determine whether the requirements of this subchapter are met. These inspections may be conducted with or without advance notice at any time deemed necessary by the Officer in Charge, Marine Inspection.

(c) As part of an inspection, a marine inspector may review records and require and observe the conduct of emergency drills and other tests and procedures as may be necessary to demonstrate to that person's satisfaction that the unit and its equipment are in full compliance with applicable Coast Guard regulations. The marine inspector consults with the person in charge of the unit before requiring a drill or other test or procedure to be conducted to minimize disruption of unit activities and risk to life or property.

(d) Coast Guard inspections of foreign units recognize valid international certificates accepted by the United States, including Safety of Life at Sea (SOLAS), Loadline, and Mobile Offshore Drilling Unit (MODU) Code certificates for matters covered by the certificates, unless there are clear grounds for believing that the condition of the unit or its equipment does not correspond substantially with the particulars of the certificate.

(e) Coast Guard marine inspectors conduct an initial inspection of each fixed OCS facility installed after June 27, 1988, to determine whether the facility is in compliance with the requirements of this subchapter.

[CGD 78-160, 47 FR 9376, Mar. 4, 1982, as amended by CGD 84-098a, 53 FR 18980, May 26, 1988]

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§ 140.103 Annual inspection of fixed OCS facilities.

(a) The owner or operator of each fixed OCS facility shall ensure that the facility is inspected, at intervals not to exceed 12 months, to determine whether the facility is in compliance with the requirements of this subchapter.

(b) Except for initial inspection under § 140.101(e), inspections by Coast Guard Marine inspectors do not meet the requirements for an inspection under paragraph (a) of this section.

(c) Except for initial inspection under § 140.101(e), the results of the inspection must be recorded on Form CG-5432. Forms CG-5432 may be obtained from the Officer in Charge, Marine Inspection. The owner or operator shall submit the completed Form CG-5432 to the Officer in Charge, Marine Inspection, within 30 days after completion of the inspection.

(d) For facilities installed on the OCS after June 27, 1988, the 12 month period under paragraph (a) of this section begins with the initial inspection under § 140.101(e). For facilities on the OCS on June 27, 1988, the 12 month period begins upon completion of the first inspection under paragraph (a) of this section, which inspection must be completed within 12 months after June 27, 1988. Before September 8, 1988, the owner or operator shall notify the Officer in Charge, Marine Inspection, of the proposed inspection date for each facility.

[CGD 84-098a, 53 FR 18980, May 26, 1988]

§ 140.105 Correction of deficiencies and hazards.

(a) Lifesaving and fire fighting equipment which is found defective during an inspection and which, in the opinion of the inspector, cannot be satisfactorily repaired must be so mutilated in the presence of the inspector that it cannot be used for the purpose for which it was originally intended. Lifesaving and fire fighting equipment subsequently determined to be unrepairable must be similarly mutilated in the presence of the person making that determination.

(b) Any deficiency or hazard discovered during an inspection by a Coast Guard marine inspector is reported to the unit's owner or operator, who shall have the deficiency or hazard corrected or eliminated as soon as practicable and within the period of time specified by the Coast Guard marine inspector.

(c) Deficiencies and hazards discovered during an inspection of a fixed OCS facility under § 140.103(a) must be corrected or eliminated, if practicable, before the Form CG-5432 is submitted to the Officer in Charge, Marine Inspection (OCMI). Deficiencies and hazards that are not corrected or eliminated by the time the Form is submitted must be indicated on the Form as "outstanding." For lifesaving and firefighting equipment deficiencies that cannot be corrected before the submission of Form CG-5432, the owner or operator shall contact the OCMI to request a time period for repair of the item. The owner or operator shall include a description of the deficiency and the time period specified by the OCMI for correction of the deficiency in the comment section of Form CG-5432. Upon receipt of a Form CG-5432 indicating outstanding deficiencies or hazards, the OCMI informs, by letter, the owner or operator of the fixed OCS facility of the deficiencies or hazards and the time period specified to correct or eliminate the deficiencies or hazards.

(d) Where a deficiency or hazard remains uncorrected or uneliminated after the expiration of the time specified for correction or elimination, the Officer in Charge, Marine Inspection, initiates appropriate enforcement measures.

(CGD84-098a, 53 FR 18981, May 26, 1988)

Subpart C—Investigations

§ 140.201 General.

Under the direction of the Officer in Charge, Marine Inspection, investigating officers investigate the following incidents occurring as a result of OCS activities:

(a) Death.

(b) Injury resulting in substantial impairment of any bodily unit or function.

(c) Fire which causes death, serious injury or property damage exceeding \$25,000.

(d) Oil spillage exceeding two hundred barrels of oil in one occurrence during a thirty-day period.

(e) Other injuries, casualties, accidents, complaints of unsafe working conditions, fires, pollution, and incidents occurring as a result of OCS activities as the Officer in Charge, Marine Inspection, deems necessary to promote the safety of life or property or protect the marine environment.

§ 140.203 Investigation procedures.

(a) Insofar as practicable, investigations conducted pursuant to this subchapter shall follow the procedures of 46 CFR Part 4.

(b) Representatives of the U.S. Geological Survey may participate in these investigations. This participation may include, but is not limited to:

(1) Participating in a joint on-scene investigation;

(2) Making recommendations concerning the scope of the investigation;

(3) Calling and examining witnesses; and

(4) Submitting or requesting additional evidence.

(c) Reports of investigations conducted under this subchapter shall be made available to parties to the investigation and the public upon completion of agency action.

§ 140.205 Subpoenas.

(a) In any investigation conducted pursuant to this subchapter, the investigating officer shall have the power to administer necessary oaths, subpoena witnesses, and require the production of books, papers, documents, and any other evidence.

(b) Attendance of witnesses or the production of books, papers, documents, or any other evidence shall be compelled by a process similar to that used in the District Courts of the United States.

PART 141—PERSONNEL**Subpart A—Restrictions on Employment****Sec.**

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- 141.5 Applicability.
- 141.10 Definitions.
- 141.15 Restrictions on employment.
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- 141.25 Evidence of citizenship.
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- 141.35 Records to be kept by the employer.

AUTHORITY: Sec. 30 of sec. 204, Pub. L. 95-372, 92 Stat. 686 (43 U.S.C. 1356); 49 CFR 1.46(e).

SOURCE: CGD 78-160, 47 FR 9379, Mar. 4, 1982, unless otherwise noted.

Subpart A—Restrictions on Employment**§ 141.1 Purpose.**

This subpart prescribes rules governing restrictions on the employment of personnel on units engaged in OCS activities.

§ 141.5 Applicability.

(a) This subpart applies to employment of personnel on units engaged in OCS activities, except as provided in paragraph (b) of this section.

(b) This subpart does not apply to employment of personnel on any:

(1) Vessel subject to the citizenship requirements of 46 U.S.C. 672a for pilots, licensed officers, and unlicensed crew when the vessel is transiting to or from an OCS facility or a United States port;

(2) Vessel subject to the citizenship requirements of 46 U.S.C. 1132 for officers and crew on federally subsidized or documented vessels; or

(3) Unit over 50 percent of which is owned by one or more citizens of a foreign nation or with respect to which one or more citizens of a foreign nation have the right effectively to control, except to the extent and to the degree that the President determines that the government of such foreign nation or any of its political subdivisions has implemented, by statute, regulation, policy, or practice, a national manning requirement for

equipment engaged in the exploration, development, or production of oil or gas in its offshore areas.

(c) The Commandant may, upon request or upon that person's own initiative, determine whether over 50 percent of a particular unit is owned by citizens of a foreign nation or whether citizens of a foreign nation have the right effectively to control the unit.

(d) In determining whether ownership or a right effectively to control exists, the Commandant may consider operational control of a unit, management responsibility, title, lease and charter arrangements, and financial interests.

(e) The owner or operator of any unit affected is notified of the Commandant's determination.

(Information collection requirements contained in paragraph (c) were approved by the Office of Management and Budget under OMB control number 2130-0182)

§ 141.10 Definitions.

As used in this subpart:

"Citizens of the United States" means:

(1) In the case of an individual, one who is a native born, derivative, or fully naturalized citizen of the United States;

(2) In the case of a partnership, unincorporated company, or association, one in which 50% or more of the controlling interest is vested in citizens of the United States; or

(3) In the case of a corporation, one which is incorporated under the laws of the United States or of any State thereof.

"Citizen of a foreign nation" means:

(1) In the case of an individual, one who is not a citizen of the United States;

(2) In the case of a partnership, unincorporated company, or association, one in which more than 50% of the controlling interest is vested in citizens of a nation other than the United States; or

(3) In the case of a corporation, one which is incorporated under the laws of a nation other than the United States so long as (i) the title to a majority of the stock thereof is free from any trust or fiduciary obligation to

favor of any citizen of the United States; (ii) the majority of the voting power in the corporation is not vested in any citizen of the United States; (iii) through any contract or understanding, the majority of the voting power may not be exercised directly or indirectly on behalf of any citizen of the United States; or (iv) by no other means, control of the corporation is conferred upon or permitted to be exercised by any citizen of the United States.

"Resident alien" means an alien lawfully admitted to the United States for permanent residence in accordance with section 101(a)(20) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1101(a)(20).

§ 141.15 Restrictions on employment.

(a) On or after April 5, 1983, each employer of personnel on any unit engaged in OCS activities that is subject to this part must employ, as members of the regular complement of the unit, only citizens of the United States or resident aliens except as provided by § 141.20.

(b) As used in paragraph (a) of this section, "regular complement of a unit" means those personnel necessary for the routine functioning of the unit, including marine officers and crew; industrial personnel on the unit, such as toolpushers, drillers, roustabouts, floor hands, crane operators, derrickmen, mechanics, motormen, and general maintenance personnel; and support personnel on the unit, such as cooks, stewards and radio operators. The term does not include specialists, professionals, or other technically trained personnel called in to handle emergencies or other temporary operations; extra personnel on a unit for training; and other personnel temporarily on a unit for specialized operations, such as construction, alteration, well logging, or unusual repairs or emergencies.

(c) The Officer in Charge, Marine Inspection, may determine whether a particular individual or position is part of the regular complement of a unit. A copy of the determination is provided to the owner or operator of the unit affected.

(Approved by the Office of Management and Budget under OMB control number 2130-0182)

§ 141.20 Exemptions from restrictions on employment.

(a) An employer may request an exemption from the restrictions on employment in § 141.15 in order to employ persons other than citizens of the United States or resident aliens as part of the regular complement of the unit under the following circumstances:

(1) When specific contractual provisions or national registry manning requirements in effect on September 18, 1978 provide that a person other than a citizen of the United States or a resident alien is to be employed on a particular unit.

(2) When there is not a sufficient number of citizens of the United States or resident aliens qualified and available for the work.

(3) When the President determines with respect to a particular unit that the employment of only citizens of the United States or resident aliens is not consistent with the national interest.

(b) The request must be in writing, identify the provision of paragraph (a) of this section relied upon, and:

(1) If involving specific contractual provisions under paragraph (a)(1) of this section, list the persons claimed exempt and contain a copy of the contract;

(2) If involving persons without an H-2 Visa under paragraph (a)(2) of this section, list the persons or positions sought to be exempted; or

(3) If under paragraph (a)(3) of this section, identify the unit involved and contain any information in support of the claim.

(c) Requests must be submitted to the Commandant (G-MVP), U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, D.C. 20593.

(d) Upon receipt of a request under paragraph (a)(2) of this section, the Coast Guard seeks information from the Department of Labor concerning whether there are citizens of the United States or resident aliens qualified and available for work. If information is provided that citizens of the United States or resident aliens are

qualified and available, the employer may be required to seek their employment before the request is approved.

(e) Upon receipt of a request under paragraph (a)(3) of this section and after consulting with other Federal agencies as appropriate, the Commandant forwards the request and the comments of the Coast Guard and other interested agencies to the President for determination.

(f) Upon approval by the President for request under paragraph (a)(3) of this section or by the Coast Guard for all other requests, the Coast Guard issues a certification of the exemption. A certification issued under paragraph (a)(2) of this section is valid for one year from the date of issuance.

(g) If, within 30 days of receipt by the Coast Guard of a request under paragraph (a)(2) of this section, the Coast Guard does not make a determination or advise the employer that additional time for consideration is necessary, the request is considered approved for a period of 90 days from the end of the 30 day period.

(h) A request need not be submitted for persons who are not citizens of the United States or resident aliens and who:

(1) Are employed under the national registry manning requirements exception in paragraph (a)(1) of this section; or

(2) Have been classified and admitted to the United States as temporary workers under 8 U.S.C. 1101(a)(15)(H)(ii) for work in a position for which admitted.

(Approved by the Office of Management and Budget under OMB control number 2130-0182)

§ 141.25 Evidence of citizenship.

(a) The employer may accept as sufficient evidence that a person is a citizen of the United States any one of the following documents and no others:

(1) A merchant mariner's document issued by the Coast Guard under 46 CFR Part 12 which shows the holder to be citizen of the United States.

(2) An original or certified copy of a birth certificate or birth registration issued by a state or the District of Columbia.

(3) A United States passport.

(4) A Certificate of Citizenship issued by the Immigration and Naturalization Service.

(5) A Certificate of Naturalization issued by a Naturalization Court.

(6) A letter from the Coast Guard issued under paragraph (d) of this section.

(b) If a person does not have one of the documents listed in paragraph (a)(1) through (a)(6) of this section that person may appear in person before an Officer in Charge, Marine Inspection, and submit one or more of the following documents which may be considered as evidence that the applicant is a citizen of the United States:

(1) A Certificate of Derivative Citizenship or a Certificate of Naturalization of either parent and a birth certificate of the applicant or other evidence satisfactorily establishing that the applicant was under 21 years of age at the time of the parent's naturalization.

(2) An original or certified copy of a birth certificate from a political jurisdiction outside the United States which demonstrates citizenship status.

(3) A Baptismal certificate or parish record recorded within one year after birth.

(4) A statement of a practicing physician certifying that the physician attended the birth and has a record showing the date on which the birth occurred.

(5) A commission, or evidence of commission, in the Armed Forces of the United States which shows the holder to be a citizen of the United States.

(6) A continuous discharge book certificate of identification issued by the Coast Guard or the former Bureau of Marine Inspection, provided the document shows that the applicant produced satisfactory evidence of citizenship at the time the document was issued.

(7) A delayed certificate of birth issued under a state seal, provided there are no collateral facts indicating fraud in its procurement.

(8) A report of the Census Bureau showing the earliest available record of the applicant's age or birth.

(9) Affidavits of parents, relatives, or two or more responsible citizens of the United States, school records; immigration records; insurance policies; or other records which support the citizenship claim.

(c) In any case where doubt exists concerning evidence of citizenship submitted under paragraph (b) of this section, the Officer in Charge, Marine Inspection, may refer the matter to the United States Immigration and Naturalization Service for an advisory opinion.

(d) If the documents submitted under paragraph (b) of this section are determined by the Officer in Charge, Marine Inspection, to be sufficient evidence that the applicant is a citizen of the United States, the Coast Guard issues the applicant a letter acknowledging this determination.

(Approved by the Office of Management and Budget under OMB control number 2130-0182)

§ 141.30 Evidence of status as a resident alien.

The employer may accept as sufficient evidence that a person is a resident alien any one of the following documents and no others:

(a) A merchant mariner's document issued by the Coast Guard under 46 CFR Part 12.

(b) An alien registration receipt card issued by the Immigration and Naturalization Service certifying that the card holder has been admitted to the United States as an immigrant.

(c) A declaration of intention to become a citizen of the United States issued by the a Naturalization Court.

§ 141.35 Records to be kept by the employer.

(a) The employer of personnel subject to this subpart shall maintain, and make available to the Coast Guard upon request, a record identifying which of the documents listed in §§ 141.25 and 141.30 were relied upon for each employee. The record must consist of either a copy of the document or the following information on the document:

(1) For a merchant mariner's document or a United States passport, the

document's title and identification number.

(2) For a birth certificate or birth registration, the document's title and the employee's date and place of birth.

(3) For all other documents listed in §§ 141.25 and 141.30, the document's title and date and place of issuance.

(b) The employer of personnel subject to this subpart shall maintain a written list of the positions that make up the regular complement of the unit and the name and nationality of the individual filling each employee position. This list may be in summary form and any simple format.

(Approved by the Office of Management and Budget under OMB control number 2130-0182)

PART 142—WORKPLACE SAFETY AND HEALTH

Subpart A—General

Sec.

142.1 Purpose.

142.4 Duties of lessees, permittees, and persons responsible for actual operations.

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142.21 Purpose and applicability.

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Subpart C—General Workplace Conditions

142.81 Purpose and applicability.

142.84 Housekeeping.

142.87 Guarding of deck openings.

142.90 Lockout and tagout.

AUTHORITY: 43 U.S.C 1333(dx)(1), 1347(c), 1348(c); 49 CFR 1.46(z).

SOURCE: CGD 79-077, 51 FR 25059, July 10, 1986, unless otherwise noted.

Subpart A—General

§ 142.1 Purpose.

This part is intended to promote workplace safety and health by establishing requirements relating to personnel, workplace activities and conditions, and equipment on the Outer Continental Shelf (OCS).

§ 142.4 Duties of lessees, permittees, and persons responsible for actual operations.

(a) Each holder of a lease or permit under the Act shall ensure that all places of employment within the lease area or within the area covered by the permit on the OCS are maintained in compliance with workplace safety and health regulations of this part and, in addition, free from recognized hazards.

(b) Persons responsible for actual operations, including owners, operators, contractors, and subcontractors, shall ensure that those operations subject to their control are conducted in compliance with workplace safety and health regulations of this part and, in addition, free from recognized hazards.

(c) "Recognized hazards", in paragraphs (a) and (b) of this section, means conditions which are—

(1) Generally known among persons in the affected industry as causing or likely to cause death or serious physical harm to persons exposed to those conditions; and

(2) Routinely controlled in the affected industry.

§ 142.7 Reports of unsafe working conditions.

(a) Any person may report a possible violation of any regulation in this subchapter or any other hazardous or unsafe working condition on any unit engaged in OCS activities to an Officer in Charge, Marine Inspection.

(b) After reviewing the report and conducting any necessary investigation, the Officer in Charge, Marine Inspection, notifies the owner or operator of any deficiency or hazard and initiates enforcement measures as the circumstances warrant.

(c) The identity of any person making a report under paragraph (a)

of this section is not made available without the permission of the reporting person, to anyone other than those officers and employees of the Department of Transportation who have a need for the record in the performance of their official duties.

Subpart B—Personal Protective Equipment

§ 142.21 Purpose and applicability.

This subpart prescribes requirements concerning personal protection on OCS facilities.

§ 142.24 Use of equipment.

(a) Each holder of a lease or permit issued under the Act shall ensure that all personnel who are required by this subpart to use or wear personal protective equipment do so when within the lease area or the area covered by the permit.

(b) Persons responsible for actual operations shall ensure that all personnel engaged in the operation properly use or wear the personal protective equipment specified by this subpart.

§ 142.27 Eye and face protection.

(a) Personnel engaged in or observing welding, grinding, machining, chipping, handling hazardous materials, or acetylene burning or cutting shall wear the eye and face protector specified for the operation in Figure 8 of ANSI Z87.1.

(b) Eye and face protectors must be maintained in good condition.

(c) Each eye and face protector must be marked with the information required by ANSI Z87.1 for that type of protector.

§ 142.30 Head protection.

(a) Personnel in areas where there is a hazard of falling objects or of contact with electrical conductors shall wear a head protector meeting the specifications of ANSI Z89.1, for the hazard involved.

(b) Each head protector must be marked with the information specified by ANSI Z89.1 for that type of protector and for the hazard involved.

§ 142.33 Foot protection.

(a) Personnel working in areas or engaged in activities where there is a reasonable probability for foot injury to occur shall wear footwear meeting the specifications of ANSI Z41, except when environmental conditions exist that present a hazard greater than that against which the footwear is designed to protect.

(b) Each pair of footwear must be marked with the information specified by ANSI Z41 for the type of footwear.

[CGD 79-077, 51 FR 25059, July 10, 1986, as amended at 51 FR 28381, Aug. 7, 1986]

§ 142.36 Protective clothing.

Personnel in areas where there are flying particles, molten metal, radiant energy, heavy dust, or hazardous materials shall wear clothing and gloves providing protection against the hazard involved.

§ 142.39 Respiratory protection.

(a) Personnel in an atmosphere specified under ANSI Z88.2, requiring the use of respiratory protection equipment shall wear the type of respiratory protection equipment specified in ANSI Z88.2 for that atmosphere.

(b) Before personnel enter an atmosphere specified under ANSI Z88.2 requiring the use of respiratory protection equipment, the persons listed in § 142.4 shall ensure that the personnel entering the atmosphere—

(1) Follow the procedures stated in section 6 of ANSI Z88.2 concerning the proper selection of a respirator and individual fit testing; and

(2) Are trained in the matters set forth in section 7 of ANSI Z88.2 concerning proper use of the equipment to be used and in the generally recognized short and long term harmful effects of exposure to the atmosphere involved.

(c) All respiratory protection equipment must be approved, used, and maintained in accordance with ANSI Z88.2.

[CGD 79-077, 51 FR 25059, July 10, 1986, as amended at 51 FR 28381, Aug. 7, 1986]

§ 142.42 Safety belts and lifelines.

(a) Except when moving from one location to another, personnel engaged

in an activity where there is a hazard of falling 10 or more feet shall wear a safety belt or harness secured by a lanyard to a lifeline, drop line, or fixed anchorage.

(b) Each safety belt, harness, lanyard, lifeline, and drop line must meet the specifications of ANSI A10.14.

§ 142.45 Personal flotation devices.

Personnel, when working in a location such that, in the event of a fall, they would likely fall into water, shall wear a work vest that meets the requirements of 33 CFR 146.20 or a life preserver that meets the requirements of 46 CFR 160.002, 160.005, or 160.055, except when using the safety belts and lifelines required by § 142.42.

§ 142.48 Eyewash equipment.

Portable or fixed eyewash equipment providing emergency relief must be immediately available near the drill floor, mudrooms, and other areas where there is a reasonable probability that eye injury may occur.

[CGD 79-077, 51 FR 28381, Aug. 7, 1986]

Subpart C—General Workplace Conditions**§ 142.81 Purpose and applicability.**

This subpart prescribes requirements relating to general working conditions on OCS facilities.

§ 142.84 Housekeeping.

All staging, platforms, and other working surfaces and all ramps, stairways, and other walkways must be kept clear of portable tools, materials, and equipment not in use and be promptly cleared of substances which create a tripping or slipping hazard. When engaged in an activity on the drill floor in which the spillage of drilling fluid is inevitable, such as when pulling wet strings of drill pipe, footwear and flooring designed to reduce slipping substantially may be used instead of keeping the drill floor free of drilling fluid during the activity.

[CGD 79-077, 51 FR 28381, Aug. 7, 1986]

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§ 142.87 Guarding of deck openings.

Openings in decks accessible to personnel must be covered, guarded, or otherwise made inaccessible when not in use. The manner of blockage shall prevent a person's foot or body from inadvertently passing through the opening.

§ 142.90 Lockout and tagout.

(a) While repair or other work is being performed on equipment powered by an external source, that equipment must be locked out as required in paragraph (b) of this section or, if a lockout provision does not exist on the equipment, must be disconnected from the power source or otherwise deactivated, unless the nature of the work being performed necessitates that the power be connected or the equipment activated.

(b) If the equipment has a lockout or other device designed to prevent unintentional activation of the equipment, the lockout or other device must be engaged while the work is being performed on the equipment, unless the nature of the work being performed necessitates that the equipment be activated.

(c) A tag must be placed at the point where the equipment connects to a power source and at the location of the control panel activating the power, warning—

(1) That equipment is being worked on; and

(2) If the power source is disconnected or the equipment deactivated, that the power source must not be connected or the equipment activated.

(d) The tags must not be removed without the permission of either the person who placed the tags, that person's immediate supervisor, or their respective reliefs.

[CGD 79-077, 51 FR 25059, July 10, 1986; 51 FR 28362, Aug. 7, 1986]

PART 143—DESIGN AND EQUIPMENT

Subpart A—General

Sec.

143.1 Purpose.

143.15 Lights and warning devices.

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Subpart B—OCS Facilities

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143.101 Means of escape.

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Subpart C—Mobile Offshore Drilling Units (MODUs)

143.200 Applicability.

143.201 Existing MODUs exempted from new design requirements.

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143.207 Requirements for foreign MODUs.

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143.400 Applicability.

143.401 Vessel certification and operation.

143.405 Equipment.

143.407 Manning.

AUTHORITY: 43 U.S.C. 1333(d)(1), 1348(c), 1356; 46 CFR 1.46.

SOURCE: CGD 78-160, 47 FR 9382, Mar. 4, 1982, unless otherwise noted.

Subpart A—General

§ 143.1 Purpose.

This part prescribes design and equipment requirements for units engaged in OCS activities.

§ 143.15 Lights and warning devices.

(a) OCS facilities must meet the lights and warning devices requirements under Part 67 of this chapter concerning aids to navigation on artificial islands and fixed structures.

(b) Vessels, including attending vessels but excluding MODUs under paragraph (a) of this section, must meet the lights and warning devices requirements under the International Regulations for Preventing Collisions at Sea 1972 (33 CFR Part 87, Appendix A) or under local rules provided for in Rule 1 of those Regulations.

Subpart B—OCS Facilities**§ 143.100 Applicability.**

This subpart applies to OCS facilities except mobile offshore drilling units.

§ 143.101 Means of escape.

(a) "Primary means of escape" shall be fixed stairways or fixed ladders of metal construction.

(b) "Secondary means of escape" shall be types approved for "primary means of escape" or portable, flexible ladders, knotted man ropes, and other devices satisfactory to the Officer in Charge, Marine Inspection.

(c) Manned OCS facilities shall be provided with at least two "primary means of escape" extending from the uppermost platform level that contains living quarters or that personnel occupy continuously, to each successively lower working level and to the water surface. Working levels without living quarters, shops, or offices in manned facility structural appendages, extensions, and installations that personnel occupy only occasionally shall be provided with one "primary means of escape" and, when necessary in the opinion of the Officer in Charge, Marine Inspection, one or more "secondary means of escape."

(d) Unmanned OCS facilities shall be provided with at least one "primary means of escape" extending from the uppermost platform working level to each successively lower working level and to the water surface. When personnel are on board, unmanned facilities shall also be provided with one or more "secondary means of escape," but not more than one will be required for every 10 persons extending from the uppermost working level of the facility to each successively lower working level and to the water surface, excluding facility appendages and installations, unless "secondary means of escape" from such appendages and installations are necessary in the opinion of the Officer in Charge, Marine Inspection.

(e) "Means of escape" shall be suitably accessible to personnel for rapid facility evacuation.

(f) When two or more "means of escape" are installed, at least two shall

be located as nearly diagonally opposite each other as practicable unless such requirement is unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

§ 143.105 Personnel landings.

(a) Sufficient personnel landings shall be provided on each manned OCS facility to assure safe access and egress. When due to special construction personnel landings are not feasible, then suitable transfer facilities to provide safe access and egress shall be installed.

(b) The personnel landings shall be provided with satisfactory illumination. The minimum shall be one-foot candle of artificial illumination as measured at the landing floor and guards and rails.

§ 143.110 Guards and rails.

(a) Except for helicopter landing decks which are provided for in paragraph (b) of this section, and areas not normally occupied, the unprotected perimeter of all floor or deck areas and openings shall be rimmed with guards and rails or wire mesh fence. The guard rail or fence shall be at least 42 inches high. The two intermediate rails shall be so placed that the rails are approximately evenly spaced between the guard rail and the floor or deck area: *Provided*, That if a toe board is installed then one of the intermediate rails may be omitted and the other rail placed approximately half way between the top of the toe board and the top guard rail.

(b) The unprotected perimeter of the helicopter landing deck shall be protected with a device of sufficient strength and size as to prevent any person from falling from such deck.

(c) Each catwalk and each stairway shall be provided with a suitable guard rail or rails, as necessary.

§ 143.120 Floating OCS facilities.

(a) Before construction is started on a proposed floating OCS facility, the owner or operator of the facility must submit to the Coast Guard for approval all plans and information listed in Subpart C of 46 CFR Part 107 which relate to the facility. All plans and in-

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formation must be submitted according to the procedures in that subpart.

(b) The facility must comply with the requirements of Subchapters F (Marine Engineering) and J (Electrical Engineering) of 46 CFR Chapter I and 46 CFR Part 108 (Design and Equipment). Where unusual design or equipment needs make compliance impracticable, alternative proposals that provide an equivalent level of safety may be accepted. These requirements do not apply to production systems on the facility.

(c) The Officer in Charge, Marine Inspection, determines whether a floating OCS facility meets the requirements of paragraph (b) of this section and issues a certificate of inspection for each facility which meets these requirements. Inspection of the facility may be required as part of this determination.

Subpart C—Mobile Offshore Drilling Units

§ 143.200 Applicability.

This subpart applies to mobile offshore drilling units when engaged in OCS activities.

§ 143.201 Existing MODUs exempted from new design requirements.

Any mobile offshore drilling unit built before, under construction on, or contracted for prior to April 5, 1982 is not required to meet the design requirements of this subpart until the unit is rebuilt. Until rebuilt, the unit must continue to comply with the design requirements applicable to the unit on April 4, 1982.

[CGD 78-160, 47 FR 11011, Mar. 15, 1982]

§ 143.205 Requirements for U.S. and undocumented MODUs.

Each mobile offshore drilling unit that is documented under the laws of the United States or not documented under the laws of any nation must comply with the design, equipment, and inspection requirements of 46 CFR Parts 107 and 108 in order to engage in OCS activities.

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§ 143.207 Requirements for foreign MODUs.

Each mobile offshore drilling unit that is documented under the laws of a foreign nation must, when engaged in OCS activities, comply with one of the following:

(a) The design and equipment standards of 46 CFR Part 108.

(b) The design and equipment standards of the documenting nation if the standards provide a level of safety generally equivalent to or greater than that provided under 46 CFR Part 108.

(c) The design and equipment standards for mobile offshore drilling units contained in the International Maritime Organization (IMO, formerly Inter-Governmental Maritime Consultative Organization or IMCO) (IMO) Code for Construction and Equipment of Mobile Offshore Drilling Units (IMO Assembly Resolution A.414(XI)) which has been incorporated by reference.

§ 143.210 Letter of compliance.

(a) The Officer in Charge, Marine Inspection, determines whether a mobile offshore drilling unit which does not hold a valid Coast Guard Certificate of Inspection meets the requirements of §§ 143.205 or 143.207 relating to design and equipment standards and issues a letter of compliance for each unit which meets the requirements. Inspection of the unit may be required as part of this determination.

(b) A letter of compliance issued under paragraph (a) of this section is valid for one year or until the MODU departs the OCS for foreign operations, whichever comes first.

[CGD 84-098a, 53 FR 18981, May 26, 1988]

Subpart D—Vessels

§ 143.300 Applicability.

This subpart applies to all vessels engaged in OCS activities except mobile offshore drilling units.

§ 143.301 Load line requirements.

(a) Vessels, including foreign vessels which would be subject to the requirements of Subchapter E of 46 CFR Chapter I concerning load lines wha

arriving at or proceeding to sea from any port or place within the United States must comply with those requirements when engaged in activities on the OCS.

(b) Load line certificates and load line exemption certificates issued or accepted under Subchapter E of 46 CFR Chapter I are accepted as evidence of compliance with paragraph (a) of this section.

Subpart E—Standby Vessels

SOURCE: CGD 84-098b, 54 FR 21571, May 18, 1989, unless otherwise noted.

§ 143.400 Applicability.

This subpart applies only to standby vessels meeting the requirements of this subpart and specifically designated in an Emergency Evacuation Plan (EEP) required by §§ 146.140 or 146.210 of this chapter to provide rapid evacuation assistance in the event of an emergency.

§ 143.401 Vessel certification and operation.

Standby vessels must meet the following:

(a) Have a valid certificate of inspection issued in compliance with Subchapters H, I, or T of 46 CFR Chapter I.

(b) Be capable of carrying and providing shelter for 100 per cent of the number of persons on the most populated facility that the standby vessel is designated to assist. Crew spaces may be used to meet the requirements of this section.

(c) Provide bunks or aircraft type reclining seats for 10 per cent of the number of persons on the most populated facility that the standby vessel is designated to assist. Crew spaces may be used to meet the requirements of this section.

(d) Not carry or store goods, supplies, and equipment on the deck of the standby vessel or in other locations that may hinder the vessel's ability to render assistance to the facility that the vessel is designated to assist.

(e) Not carry or store any hazardous material.

§ 143.405 Equipment.

(a) Standby vessels must have, at least, the following equipment:

(1) Multiple propellers or propulsion devices.

(2) Two searchlights.

(3) For vessels certificated under Subchapter H of 46 CFR Chapter I, a line throwing appliance that meets the requirements in 46 CFR 75.45.

(4) For vessels certificated under Subchapters I or T of 46 CFR Chapter I, a line throwing appliance that meets the requirements of 46 CFR 94.45.

(5) A Stokes or comparable litter.

(6) One blanket for each person on the most populated facility that the standby vessel is designated to assist.

(7) Means for safely retrieving persons, including injured or helpless persons, from the water. The means of retrieval must be demonstrated to the satisfaction of the Officer in Charge, Marine Inspection.

(8) A scramble net that can be rigged on either side of the standby vessel.

(9) A minimum of four Coast Guard approved ring life buoys, each equipped with 15 fathoms of line.

(10) An immersion suit approved by the Coast Guard under 46 CFR 160.171, or a buoyant suit meeting Supplement A of ANSI/UL-1123-1987 and approved under 46 CFR 160.053, for each member of the standby vessel's crew when the standby vessel operates north of 32 degrees north latitude in the Atlantic Ocean or north of 35 degrees north latitude in all other waters.

(11) Two boat hooks.

(12) A fire monitor with a minimum flow rate of, at least, 500 gallons per minute.

(13) One two-way radio capable of voice communications with the OCS facility, helicopters or other rescue aircraft, rescue boats, and shore side support personnel.

(14) Floodlights to illuminate the personnel and boat retrieval area, the scramble net when deployed, and the water around the personnel retrieval and scramble net deployment areas.

(15) A copy of "The Ship's Medicine Chest and Medical Aid at Sea", DHHS Publication No. (PHS) 84-2024, available from the Superintendent of Doc-

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uments, U.S. Government Printing Office, Washington, DC 20402.

(16) An industrial first aid kit sized for 50 percent of the number of persons on the most populated facility that the standby vessel is designated to assist.

(17) Coast Guard approved life preservers for 50 percent of the number of persons on the most populated facility that the standby vessel is designated to assist.

(b) Equipment required by paragraph (a) of this section must be to the satisfaction of the Officer in Charge, Marine Inspection.

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Standby vessels must be crewed in accordance with their certificate of inspection for 24 hour operation. The Officer in Charge, Marine Inspection, may require the crew to be augmented, as necessary, to provide for maneuvering the standby vessel, for lookouts, for rigging and operating retrieval equipment, and for caring for survivors.

PART 144—LIFESAVING APPLIANCES

Subpart 144.01—Manned Platforms

Sec.

- 144.01-1 Life floats.
- 144.01-5 Location and launching of life floats.
- 144.01-10 Equipment for life floats.
- 144.01-15 Alternates for life floats.
- 144.01-20 Life preservers.
- 144.01-25 Ring life buoys.
- 144.01-30 First-aid kit.
- 144.01-35 Litter.
- 144.01-40 Emergency communications equipment.

Subpart 144.10—Unmanned Platforms

- 144.10-1 Lifesaving equipment.
- 144.10-10 Other lifesaving equipment.

Subpart 144.20—Requirements for U.S. and Undocumented MODUs

- 144.20-1 Applicability.
- 144.20-5 Exposure suits.

Subpart 144.30—Requirements for Foreign MODUs

- 144.30-1 Applicability.
- 144.30-5 Exposure suits.

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AUTHORITY: 43 U.S.C. 1333d; 46 U.S.C. 3102(a); 46 CFR 1.46.

Subpart 144.01—Manned Platforms

§ 144.01-1 Life floats.

Each manned platform shall be provided with at least two approved life floats. The life floats shall have sufficient capacity to accommodate all persons present at any one time.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956]

§ 144.01-5 Location and launching of life floats.

The life floats shall be distributed at accessible locations and mounted on the outboard sides of the working platform in such a manner as to be readily launched.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956]

§ 144.01-10 Equipment for life floats.

(a) Each life float shall be provided with a painter. This painter shall be manila rope not less than 2½ inches circumference and of a length not less than three times the distance from the deck where the life float is stowed to the low water line. Alternatively the painter may be of other material provided it has equal strength to the size of manila rope specified and is not less than ¼ inch in diameter.

(b) Each life float must have a warning light of an approved automatic electric type constructed in accordance with CFR Subpart 161.010, except a warning light constructed in accordance with former 46 CFR Subpart 161.001 that was installed before January 1, 1970, may be retained in an existing installation as long as it is maintained in good condition. The water light must be attached to the life float by a 12-three manila or equivalent synthetic lanyard not less than 2 meters (6 feet) nor more than 4 meters (12 feet) in length. The water light must be mounted on a bracket so that when the life float is launched, the water light will pull free of the bracket.

(c) Two paddles shall be provided for each life float. The paddles shall not be less than five feet nor more than six feet long. The paddles shall be stowed in such a way that they will be

readily accessible from either side of the life float when in the water.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956]

EDITORIAL NOTE: FOR FEDERAL REGISTER citations affecting § 144.01-10, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 144.01-15 Alternates for life floats.

(a) Approved lifeboats, approved life rafts or approved inflatable life rafts may be used in lieu of approved life floats for either all or part of the capacity required. When either lifeboats or life rafts are used approved means of launching will be required. Inflatable life rafts, when used, shall be distributed and mounted as required for life floats under § 144.01-5.

(b) The equipment required for a lifeboat is a bailer, boat hook, bucket, hatchet, lantern, life line, two life preservers, matches, full complement of oars and steering oar, painter, plug, and rowlocks, of the same type, kind, and character as required for lifeboats carried on vessels engaged in navigating bays, sounds, and lakes other than the Great Lakes, and rivers.

(c) The equipment required for a life raft is a boat hook, life line (if not a Type A life raft), full complement of oars and steering oar, painter, and rowlocks of the same type, kind, and character as required for life rafts carried on cargo and miscellaneous vessels navigating on bays, sounds, and lakes other than the Great Lakes.

(d) Inflatable life rafts shall be equipped for "Limited Service" in accordance with Subpart 160.051 of Subchapter Q (Specifications) of 46 CFR Chapter I.

NOTE: Subpart 160.051 of Subchapter Q (Specifications) of 46 CFR Chapter I requires the servicing of inflatable life rafts every 12 months at approved servicing facilities. Included in this servicing at an approved facility is a complete inspection of the required equipment by a marine inspector.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956, as amended by CGFR 60-35 25 FR 10132, Oct. 25, 1960]

§ 144.01-20 Life preservers.

(a) An approved life preserver shall be provided for each person on a manned platform. The life preservers

shall be located in easily accessible places.

(b) On or before July 1, 1963, all kapok and fibrous glass life preservers which do not have plastic-covered pad inserts shall be removed from service.

(c) Each life preserver carried on a manned platform after October 5, 1982, must have a personal flotation device light that is approved under Subpart 161.012 of 46 CFR Part 161. Each light must be securely attached to the front shoulder area of the life preserver.

(d) Each life preserver carried on a manned platform after October 5, 1982, must have at least 200 sq. cm (31 sq. in.) of retroreflective material attached on its front side, at least 200 sq. cm on its back side, and at least 200 sq. cm of material on each of its reversible sides. The material must be Type I material that is approved under 46 CFR 164.018. The material attached on each side of a life preserver must be divided equally between the upper quadrants of the side, and the material in each quadrant must be attached as closely as possible to the shoulder area of the life preserver.

[CGFR 60-35, 25 FR 10132, Oct. 25, 1960, as amended by CGD 78-160, 47 FR 9383, Mar. 3, 1982]

§ 144.01-25 Ring life buoys.

(a) Each manned platform must have at least four approved ring life buoys constructed in accordance with 46 CFR Subpart 160.050; except ring life buoys approved under former 46 CFR Subpart 160.009 may be used as long as they are in good and serviceable condition. One ring life buoy must be placed on a suitable rack on each side of a manned platform in an accessible place. The ring life buoy must always be capable of being cast loose and may not be permanently secured in any way.

(b) Each ring life buoy must have a water light of an approved automatic electric type constructed in accordance with 46 CFR Subpart 161.010. A water light constructed in accordance with former 46 CFR Subpart 161.001 that was installed before January 1, 1972 may be retained in an existing installation as long as it is maintained in good

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condition. The water light must be attached to the ring life buoy by a 12-thread manila or equivalent synthetic lanyard not less than 1 meter (3 feet) nor more than 2 meters (6 feet) in length. The water light must be mounted on a bracket near the ring life buoy so that when the ring life buoy is cast loose, the water light will pull free of the bracket.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956, as amended by CGD 79-165b, 45 FR 65208, Oct. 2, 1980; CGD 80-155b, 47 FR 10533, Mar. 11, 1982]

§ 144.01-30 First-aid kit.

On each manned platform a first-aid kit approved by the Commandant or the U.S. Bureau of Mines shall be provided and kept in the custody of the person in charge.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956, as amended by CGD 73-177R, 40 FR 8176, Feb. 26, 1975]

§ 144.01-35 Litter.

On each manned platform a Stokes litter, or other suitable safety litter capable of being safely hoisted with an injured person, shall be provided and kept in an accessible place.

[CGFR 68-154, 33 FR 18826, Dec. 17, 1968]

§ 144.01-40 Emergency communications equipment.

On manned platforms means of communication by radio and/or wire telephone shall be provided for contacting the shore or vessels in the vicinity for aid in the event of an emergency.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956]

Subpart 144.10—Unmanned Platforms

§ 144.10-1 Lifesaving equipment.

(a) Except as allowed in paragraph (b) of this section, no person may be on an unmanned platform unless the following lifesaving equipment is readily accessible on the platform:

(1) A life preserver or a Type I—Personal flotation device, listed in Table 1, for each person.

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TABLE 1—LIFE PRESERVERS AND EQUIVALENT PERFORMANCE FLotation DEVICES

Devices marked	Equivalent to performance type marked
160.002 Life preserver.....	Type I—Personal flotation device.
160.003 Life preserver.....	Type I—Personal flotation device.
160.004 Life preserver.....	Type I—Personal flotation device.
160.005 Life preserver.....	Type I—Personal flotation device.
160.055 Life preserver.....	Type I—Personal flotation device.

(2) An approved ring life buoy (Type IV PFD) for every two persons, but no more than four devices are required. Each ring life buoy must be of a type constructed in accordance with 46 CFR Subpart 160.050; except a ring life buoy that was approved under former 46 CFR Subpart 160.009 may be used as long as it is in good and serviceable condition.

(3) Each ring life buoy under paragraph (a)(2) of this section must have an approved automatic electric water light that is attached as described in § 144.01-25(b).

(b) The ring life buoys required in paragraph (a)(2) of this section may be kept on a manned vessel that remains alongside the platform if there is no available space to keep them on the platform.

[CGD 73-177R, 40 FR 8176, Feb. 26, 1975, as amended by CGD 80-155b, 47 FR 10533, Mar. 11, 1982]

§ 144.10-10 Other lifesaving equipment.

Any lifesaving equipment on an unmanned platform that is not required in § 144.10-1 must meet the standards contained in Subpart 144.01 of this part.

[CGD 73-177R, 40 FR 8176, Feb. 26, 1975]

Subpart 144.20—Requirements for U.S. and Undocumented MODU's

AUTHORITY: Sec. 4, 67 Stat. 462 (43 U.S.C. 1333) as amended; 49 CFR 1.46(z).

§ 144.20-1 Applicability

This subpart applies to each MODU operating on the OCS that is not inspected under 46 CFR Subchapter I-A.

[CGD 82-075b, 49 FR 4377, Feb. 6, 1984]

§ 144.20-5 Exposure suits.

This section applies to each MODU except those operating south of 32 degrees North latitude in the Atlantic Ocean or south of 35 degrees North latitude in all other waters.

(a) Each MODU must carry an exposure suit for each person on board. The exposure suit must be stowed in a readily accessible location in or near the berthing area of the person for whom the exposure suit is provided.

(b) In addition to the exposure suits required by paragraph (a) of this section, each watch station and work station must have enough exposure suits to equal the number of persons normally on watch in, or assigned to, the station at one time. However, an exposure suit need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the station.

(c) Each exposure suit on a MODU must be of a type approved under 46 CFR 160.071.

(d) Each exposure suit must have a personal flotation device light that is approved under 46 CFR 161.012. Each light must be securely attached to the front shoulder area of the exposure suit.

(e) Each exposure suit on a MODU must be provided with a whistle of the ball type or multi-tone type, of corrosion resistant construction, and in good working order. The whistle must be attached to the exposure suit by a lanyard without hooks, snaps, clips, etc., that is long enough to permit the whistle to reach the mouth of the wearer. If the lanyard allows the whistle to hang below the waist of the wearer, the whistle must be stowed in a pocket on the exposure suit, or with the lanyard coiled and stopped off.

(f) No stowage container for exposure suits may be capable of being locked.

[CGD 82-075b, 49 FR 4377, Feb. 6, 1984, as amended by CGD 84-090, 50 FR 3904, Jan. 29, 1985]

Subpart 144.30—Requirements for Foreign MODU's

AUTHORITY: Sec. 4, 67 Stat. 462 (43 U.S.C. 1333) as amended; 49 CFR 1.46(z).

§ 144.30 Applicability.

This subpart applies to each MODU engaged in OCS activities that is documented under the laws of a foreign nation.

[CGD 82-075b, 49 FR 4377, Feb. 6, 1984]

144.30-5 Exposure suits.

Each foreign MODU must meet the requirements of § 144.20-5 of this chapter, except as follows:

(a) Exposure suits (immersion suits, survival suits, etc.) approved by the nation under which the MODU is documented may be used in lieu of suits approved under 46 CFR 160.071, provided that they are accepted by the Commandant as providing equivalent thermal protection to the wearer. (Requests for acceptance of such suits should be sent to Commandant, U.S. Coast Guard, (G-MVI), Washington, DC 20593-0001, along with technical data supporting the thermal performance of the suits.)

(b) Personal flotation device lights approved by the nation under which the MODU is documented may be used in lieu of lights approved under 46 CFR 161.012.

[CGD 82-075b, 49 FR 4377, Feb. 6, 1984, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

PART 145—FIRE-FIGHTING EQUIPMENT**Sec.**

145.01 Portable and semi-portable fire extinguishers.

145.05 Classification of fire extinguishers.

145.10 Locations and number of fire extinguishers required.

AUTHORITY: Sec. 633, 63 Stat. 545; sec. 4, 67 Stat. 462; 14 U.S.C. 633; 43 U.S.C. 1333.

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§ 145.01 Portable and semi-portable fire extinguishers.

On all manned platforms and on all unmanned platforms where crews are continuously working on a 24-hour basis, approved type portable fire extinguishers and/or approved type semi-portable fire extinguishers shall be installed and maintained. On all unmanned platforms where crews are not continuously working on a 24-hour basis, approved type portable fire extinguishers and/or approved type semi-portable fire extinguishers are required to be installed and maintained only when crews are working thereon.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956]

§ 145.05 Classification of fire extinguishers.

(a) Portable and semi-portable extinguishers shall be classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of a non-conducting extinguishing agent is of first importance.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Sizes I and II are

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considered portable extinguishers. Sizes III, IV and V are considered semi-portable extinguishers which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical portable and semi-portable extinguishers are set forth in Table 145.05(c).

TABLE 145.05(c)—PORTABLE AND SEMI-PORTABLE EXTINGUISHERS

Classification		Soda acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A.....	II.....	2½	2½		
B.....	II.....		2½	15	10
C.....	II.....			15	10
B.....	V.....		40	100	50

(d) All portable and semi-portable extinguishers shall have permanently attached thereto a durable name plate giving the name of the item, the rated capacity in gallons or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956, as amended by CGFR 58-28, 23 FR 6880, Sept. 6, 1958]

§ 145.10 Locations and number of fire extinguishers required.

(a) Approved portable and semi-portable extinguishers shall be installed in accordance with Table 145.10(a).

(b) Semi-portable extinguishers shall be located in the open so as to be readily seen.

TABLE 145.10(a)—PORTABLE AND SEMI-PORTABLE EXTINGUISHERS

Space	Classification	Quantity and location
SAFETY AREAS		
Communicating corridors.....	A-II.....	1 in each main corridor not more than 150 feet apart (May be located in stairways.)
Radio room.....	C-II.....	1 in vicinity of exit.
ACCOMMODATIONS		
Sleeping accommodations.....	A-II.....	1 in each sleeping accommodation space. (Where occupied by more than 4 persons.)

TABLE 145.10(a)—PORTABLE AND SEMI-PORTABLE EXTINGUISHERS—Continued

Space	Classification	Quantity and location
SERVICES SPACES		
Galley	B-II or C-II	1 for each 2,500 square feet or fraction thereof for hazards involved.
Storerooms	A-II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, either inside or outside of spaces.
MACHINERY SPACES		
Gas-fired boilers	B-II (CO ₂ or dry chemical).	2 required.
Gas-fired boilers	B-V	1 required. ¹
Oil-fired boilers	B-II	2 required.
Oil-fired boilers	B-V	2 required. ¹
Internal combustion or gas turbine engines	B-II	1 for each engine. ²
Electric motors or generators of open type	C-II	1 for each 2 motors or generators. ³

¹ Not required where a fixed carbon dioxide system is installed.² When installation is on weather deck or open to atmosphere at all times 1 B-II for each three engines is allowable.³ Small electrical appliances, such as fans, etc., shall not be counted or used as basis for determining number of extinguishers required.

[CGFR 56-4, 21 FR 903, Feb. 9, 1956]

PART 146—OPERATIONS**Subpart A—OCS Facilities****Sec.**

- 146.1 Applicability.
- 146.5 Person in charge.
- 146.10 Notice of new facilities.
- 146.15 Maintenance of emergency equipment.
- 146.20 Work vests.
- 146.30 Notice of casualty or accident.
- 146.35 Written report of casualty.
- 146.40 Diving casualties.
- 146.45 Pollution incidents.

Subpart B—Manned OCS Facilities

- 146.101 Applicability.
- 146.105 General alarm system.
- 146.110 Emergency signals.
- 146.115 Duties of personnel during an emergency.
- 146.120 Manning of survival craft.
- 146.125 Emergency drills.
- 146.130 Station bill.
- 146.135 Markings for emergency equipment.
- 146.140 Emergency Evacuation Plan.

Subpart C—Mobile Offshore Drilling Units (MODUs)

- 146.201 Applicability.
- 146.202 Notice of arrival or relocation of MODUs on the OCS.
- 146.203 Requirements for U.S. and undocumented MODUs.
- 146.205 Requirements for foreign MODUs.
- 146.210 Emergency Evacuation Plan.

Sec.**Subpart D—Vessels**

- 146.301 Applicability.
- 146.303 Notice and written report of casualties.

AUTHORITY: 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

SOURCE: CGD 78-160, 47 FR 9383, Mar. 4, 1982, unless otherwise noted.

Subpart A—OCS Facilities**§ 146.1 Applicability.**

The provisions of this subpart apply to OCS facilities except mobile offshore drilling units.

§ 146.5 Person in charge.

(a) The owner or operator, or the agent of either of them, shall designate by title and in order of succession the persons on each OCS facility who shall be the "person in charge."

(b) In case an emergency arises, nothing in the regulations in this subchapter shall be so construed as preventing the person in charge from pursuing the most effective action in that person's judgement for rectifying the conditions causing the emergency.

§ 146.10 Notice of new facilities.

(a) The owner or operator of each OCS facility not in operation before April 5, 1982 shall, at least 30 days

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before the date on-site construction of the facility is expected to commence, notify the District Commander for the area in which the facility will be located of:

- (1) The position in which the facility will be operated;
- (2) The designation assigned to the facility for identification under 30 CFR 250.37;
- (3) The date when operation of the facility is expected to commence; and
- (4) The date when the facility is expected to be available for inspection by the Coast Guard.

(b) The information required in paragraph (a) of this section may be submitted together with an need not repeat information submitted in connection with the application and notice requirements in 33 CFR Part 67 for aids to navigation on the Outer Continental Shelf.

§ 146.15 Maintenance of emergency equipment.

(a) The emergency equipment provided, regardless of whether or not required by this subchapter, shall be maintained in good condition at all times. Good operating practices require replacement of expended equipment, as well as periodic renewal of those items which have a limited period of effectiveness.

(b) Each personal flotation device light that has a non-replaceable power source must be replaced on or before the expiration date of the power source.

(c) Each replaceable power source for a personal flotation device light must be replaced on or before its expiration date and the light must be replaced when it is no longer serviceable.

§ 146.20 Work vests.

(a) *Types of approved work vests.* Each buoyant work vest carried under the permissive authority of this section must be approved under—

- (1) 46 CFR 160.053; or
- (2) 46 CFR 160.077 as a commercial hybrid PFD.

(b) *Use.* Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard OCS facilities to be worn by persons employed thereon when work-

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ing near or over the water. The use and control of such vests shall be under the supervision of the person in charge of the facility. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

(c) *Stowage.* The work vests shall be stowed separately from the regular stowage of approved life preservers. The location for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

(d) *Inspections.* Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the OCS facility. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

(e) *Additional requirements for hybrid work vests.* Commercial hybrid PFD's must, in addition to the other requirements in this section, be—

(1) Used, stowed, and maintained in accordance with—

(i) The procedures set out in the manual required for these devices by 46 CFR 160.077-29; and

(ii) Any limitation(s) marked on them; and

(2) Of the same or similar design and have the same method of operation as each other hybrid PFD carried on board.

[CGD 78-160, 47 FR 9383, Mar. 4, 1982, as amended by CGD 78-174A, 51 FR 4339, Feb. 4, 1986]

§ 146.30 Notice of casualties.

(a) The owner, operator, and person in charge of an OCS facility shall ensure that the Coast Guard is notified as soon as possible after a casualty occurs, and by the most rapid means available, of each casualty involving the facility which results in:

(1) Death; or
(2) Injury to 5 or more persons in a single incident.

(b) The owner, operator, and person in charge shall ensure that the Coast Guard is notified promptly of each casualty involving the facility which results in:

(1) Damage affecting the usefulness of primary lifesaving or firefighting equipment;

(2) Injury causing any person to be incapacitated for more than 72 hours;

(3) Damage to the facility exceeding \$25,000 resulting from a collision by a vessel with the facility; or

(4) Damage to a floating OCS facility exceeding \$25,000.

(c) The notice required by paragraphs (a) and (b) of this section must identify the person giving the notice and the facility involved and describe, insofar as practicable, the nature of the casualty and the extent of injury to personnel and damage to property.

(d) Damage costs referred to in paragraphs (b)(3) and (b)(4) of this section include the cost of labor and material to restore the facility to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, dry-docking or demurrage of the facility.

(Approved by the Office of Management and Budget under OMB control numbers 2115-0003 and 2115-0004)

[CGD 78-100, 47 FR 9383, Mar. 4, 1982, as amended by CGD 82-069, 50 FR 14216, Apr. 11, 1985]

§ 146.35 Written report of casualty.

(a) In addition to the notice of a casualty required by § 146.30, the owner, operator, or person in charge shall, within 10 days of the casualty, submit to the Officer in Charge, Marine Inspection, a written report which:

(1) Identifies the facility involved, its owner, operator, and person in charge;

(2) Describes the casualty, including the date and time;

(3) Describes the nature and extent of injury to personnel and damage to property;

(4) Describes the factors which may have contributed to causing the casualty;

(5) Gives the name, address, and phone number of persons involved in or witnessing the casualty; and

(6) Gives any desired comments, especially with respect to use of or need for emergency equipment.

(7) Includes information relating to alcohol or drug involvement as specified in the vessel casualty reporting requirements of 46 CFR 4.05-12.

(b) The written report required by paragraph (a) of this section may be—

(1) In narrative form if all appropriate parts of Form CG-2692 are addressed;

(2) On Form CG-2692 for casualties resulting in property damage, personnel injury, or loss of life.

(c) If filed or postmarked within 5 days of the casualty, the written report required by paragraph (a) of this section serves as the notice required by § 146.30(b).

(Approved by the Office of Management and Budget under OMB control numbers 2115-0003 and 2115-0004)

[CGD 78-160, 47 FR 9383, Mar. 4, 1982, as amended by CGD 82-023a, 47 FR 38741, Aug. 16, 1982; CGD 82-023a, 48 FR 43174, Sept. 22, 1983; CGD 84-099, 52 FR 47533, Dec. 14, 1987]

§ 146.40 Diving casualties.

Diving related casualties are reported in accordance with 46 CFR 197.484 and 197.486.

§ 146.45 Pollution incidents.

Oil pollution incidents involving an OCS facility are reported in accordance with §§ 135.305 and 135.307 of this chapter. Additional provisions concerning liability and compensation because of oil pollution are contained in Subchapter M of this chapter.

Subpart B—Manned OCS Facilities

§ 146.101 Applicability.

The provisions of this subpart apply only to manned OCS facilities except mobile offshore drilling units.

§ 146.105 General alarm system.

Each manned facility must have a general alarm system. When operated, this system shall be audible in all

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parts of the structure on which provided.

§ 146.110 Emergency signals.

(a) The owner, the owner's agent, or the person in charge shall establish emergency signals to be used for calling the personnel to their emergency stations.

(b) The signal to man emergency stations shall be an intermittent signal on the general alarm system for not less than 10 seconds. The abandon facility signal shall be a continuous signal on the general alarm system.

§ 146.115 Duties of personnel during an emergency.

(a) The owner, the owner's agent, or the person in charge shall assign to each person on a manned facility special duties and duty stations so that in event an emergency arises confusion will be minimized and no delay will occur with respect to the use or application of equipment required by this subchapter. The duties shall, as far as possible, be comparable with the regular work of the individual.

(b) The duties shall be assigned as necessary for the proper handling of any emergency, and shall include the following:

(1) The closing of air ports, watertight doors, scuppers, and sanitary and other discharges which lead through the facility's hull.

(2) The stopping of fans and ventilation systems.

(3) The donning of life preserves.

(4) The preparation and launching of life floats, lifeboats, or life rafts.

§ 146.120 Manning of survival craft.

The owner, the owner's agent, or the person in charge shall assign a person to each life float, lifeboat, life raft, or survival capsule who shall be responsible for launching it in event of an emergency.

§ 146.125 Emergency drills.

(a) Emergency drills shall be conducted at least once each month by the person in charge of the manned facility. The drill shall be conducted as if an actual emergency existed. All personnel should report to their re-

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spective stations and be prepared to perform the duties assigned to them.

(b) The person in charge and conducting the emergency drill shall instruct the personnel as necessary to insure that all persons are familiar with their duties and stations.

(c) *Emergency evacuation drills.* The following emergency evacuation drills must be conducted:

(1) At least once a year, all the elements of the Emergency Evacuation Plan (EEP) under § 146.140 relating to the evacuation of personnel from the facility must be exercised through a drill or a series of drills. The drill(s) must exercise all of the means and procedures listed in the EEP for each circumstance and condition described in the EEP under § 146.140(d)(9).

(2) At least once a month, a drill must be conducted that demonstrates the ability of the facility's personnel to perform their duties and functions on the facility, as those duties and functions are described in the EEP. If a standby vessel is designated for that facility in the EEP, the vessel must be positioned as described in the EEP for an evacuation of that facility and the vessel's crew must demonstrate its ability to perform its duties and functions under the EEP.

(d) The date and time of such drills shall be reported in writing by the person in charge at the time of the drill to the owner who shall maintain this report record for a year and furnish it upon request to the Coast Guard. After one year, such records may be destroyed. When it is impossible to conduct emergency drills as required by this section during a particular calendar month, during the following month, a written report by the owner shall be submitted to the Officer in Charge, Marine Inspection, stating why the drills could not be conducted.

(Approved by the Office of Management and Budget under OMB control number 2115-0071)

[CGD 78-160, 47 FR 9383, Mar. 4, 1982, as amended by CGD 84-098b, 54 FR 21571, May 18, 1989]

§ 146.130 Station bill.

(a) The person in charge of each manned platform shall be responsible for and have prepared a station bill (muster list). This station bill must be signed by the person in charge. Copies shall be duly posted in conspicuous locations on the manned platform.

(b) The station bill shall set forth the special duties and duty stations of each member of the personnel for any emergency which involves the use or application of equipment required by this subchapter. In addition, it shall contain all other duties assigned and considered as necessary for the proper handling of other emergencies.

(c) The station bill shall contain the various signals to be used for calling the personnel to their emergency stations, and to abandon the facility.

(Approved by the Office of Management and Budget under OMB control number 2115-0542)

[COD 78-160, 47 FR 9383, Mar. 4, 1982, as amended by CGD 86-011, 51 FR 5712, Feb. 18, 1986]

§ 146.135 Markings for emergency equipment.

(a) Markings shall be provided as considered necessary for the guidance of persons on manned facilities.

(b) The general alarm bell switches shall be identified by red letters at least one inch high with a contrasting background: "General Alarm."

(c) All general alarm bells shall be identified by a sign at each bell in red letters at least one inch high with a sharp contrasting background: "General Alarm—When Bell Rings Go to Your Station."

(d) All life floats, lifeboats, life rafts, and survival capsules, together with paddles or oars, shall be conspicuously marked with a name or number of, or other inscription identifying, the facility on which placed. The number of persons allowed on each life float, lifeboat, or life raft shall be conspicuously marked thereon in letters and numbers 1½ inches high. These numbers shall be placed on both sides of the life float, lifeboat, or life raft. Inflatable life rafts shall be marked in accordance with Subpart 160.051 of 46 CFR Part 160 and no additional markings are required.

(e) All life preservers and ring life buoys shall be marked with the name or number of, or other inscription identifying, the facility on which placed except those which accompany mobile crews to unmanned platforms may be marked with the operator's name and field designation.

§ 146.140 Emergency Evacuation Plan.

(a) The operator of each manned OCS facility shall develop an Emergency Evacuation Plan (EEP) for the facility which addresses all of the items listed in paragraph (d) of this section. The EEP may apply to more than one facility, if the facilities are located in the same general geographic location and within the same Coast Guard Officer in Charge, Marine Inspection (OCMI) zone; if each facility covered by the EEP is specifically identified in the EEP; and if the evacuation needs of each facility are accommodated. For facilities existing on June 19, 1989, the EEP must be submitted to the OCMI having jurisdiction over the facility before December 18, 1989. For facilities not existing on June 19, 1989, the EEP must be submitted to the OCMI having jurisdiction over the facility, 30 days before placing the facility in operation. The OCMI reviews the EEP to determine whether all items listed in paragraph (d) of this section are addressed for each facility included in the EEP. If the OCMI determines that all items in paragraph (d) of this section are addressed, the OCMI stamps the EEP "APPROVED" and returns it, together with a letter indicating Coast Guard approval, to the operator. If the OCMI determines that any item is not addressed, the OCMI stamps the EEP "RETURNED FOR REVISION" and returns the EEP, together with an explanation of the EEP's deficiencies, to the operator.

(b) Once the EEP is approved under paragraph (a) of this section, the facility operator shall ensure that a copy of the EEP and the letter indicating Coast Guard approval is maintained on the facility.

(c) The EEP must be resubmitted for approval when substantive changes are made to the EEP. Only the pages

affected by a change need be resubmitted if the EEP is bound in such a way as to allow old pages to be removed easily and new ones inserted. Substantive changes include, but are not limited to, installation of a new facility within the area covered by an EEP, relocation of a MODU, changes in the means or methods of evacuation, or changes in the time required to accomplish evacuation.

(d) The EEP must, at a minimum,

(1) Be written in language that is easily understood by the facility's operating personnel;

(2) Have a table of contents and general index;

(3) Have a record of changes;

(4) List the name, telephone number, and function of each person to be contacted under the EEP and state the circumstances in which that person should be contacted;

(5) List the facility's communications equipment, its available frequencies, and the communications schedules with shore installations, standby vessels, rescue aircraft, and other OCS facilities specified in the EEP;

(6) Identify the primary source of weather forecasting relied upon in implementing the EEP and state the frequency of reports when normal weather is forecasted, the frequency of reports when heavy weather is forecasted, and the method of transmitting the reports to the facility;

(7) Designate the individual on each facility covered by the EEP who is assigned primary responsibility for implementing the EEP;

(8) Designate those facility and shoreside support personnel who have the authority to advise the person in charge of the facility as to the best course of action to be taken and who initiate actions to assist facility personnel;

(9) Describe the recognized circumstances, such as fires or blowouts, and environmental conditions, such as approaching hurricanes or ice floes, in which the facility or its personnel would be placed in jeopardy and a mass evacuation of the facility's personnel would be recommended;

(10) For each of the circumstances and conditions described under paragraph (d)(9) of this section, list the

pre-evacuation steps for securing operations, whether drilling or production, including the time estimates for completion and the personnel required;

(11) For each of the circumstances and conditions described under paragraph (d)(9) of this section, describe the order in which personnel would be evacuated, the transportation resources to be used in the evacuation, the operational limitations for each mode of transportation specified, and the time and distance factors for initiating the evacuation; and

(12) For each of the circumstances and conditions described under paragraph (d)(9) of this section, identify the means and procedures—

(i) For retrieving persons from the water during an evacuation;

(ii) For transferring persons from the facility to designated standby vessels, lifeboats, or other types of evacuation craft;

(iii) For retrieving persons from designated standby vessels, lifeboats, or other types of evacuation craft if used and

(iv) For the ultimate evacuation of all persons on the facility to land, another facility, or other location where the evacuees would be reasonably out of danger under the circumstance or condition being addressed.

(e) The operator shall ensure that—

(1) All equipment specified in the EEP, whether the equipment is located on or off of the facility, is made available and located as indicated in the EEP and is designed and maintained so as to be capable of performing its intended function during an emergency evacuation;

(2) All personnel specified in the EEP are available and located as specified in the EEP and are trained in fulfilling their role under the EEP; and

(3) Drills are conducted in accordance with § 146.125(c).

(f) A complete copy of the EEP must be made available to the facility's operating personnel and a brief written summary of, or an oral briefing on, the EEP must be given to each person newly reporting on the facility.

(g) A copy of the EEP must be on board each standby vessel, if any, designated in the EEP and provided to all

shoreside support personnel, if any, specified in the EEP.

[COD 84-098b, 54 FR 21572, May 18, 1989]

Subpart C—Mobile Offshore Drilling Units

§ 146.201 Applicability.

This subpart applies to mobile offshore drilling units engaged in OCS activities.

§ 146.202 Notice of arrival or relocation of MODUs on the OCS.

(a) The owner of any mobile offshore drilling unit engaged in OCS activities shall, 14 days before arrival of the unit on the OCS or as soon thereafter as practicable, notify the District Commander for the area in which the unit will operate of:

(1) The unit's name, nationality, and designation assigned for identification under 30 CFR 250.37;

(2) The location and year that the unit was built;

(3) The name and address of the owner, and the owner's local representative, if any;

(4) Classification or inspection certificates currently held by the unit;

(5) The location and date that operations are expected to commence and their anticipated duration; and

(6) The location and date that the unit will be available and ready for inspection by the Coast Guard.

(b) Once a unit is located on the OCS, the owner of the unit shall notify the District Commander before relocating the unit.

(c) The information required in paragraphs (a) and (b) of this section may be provided by telephone or may be submitted together with, and need not repeat information contained in, applications and notices under 33 CFR Part 87 for aids to navigation on the Outer Continental Shelf or 33 CFR Part 135 for applications for certificate of financial responsibility.

§ 146.203 Requirements for U.S. and undocumented MODUs.

Each mobile offshore drilling unit documented under the laws of the United States and each mobile offshore drilling unit that is not docu-

mented under the laws of any nation must comply with the operating standards of 46 CFR Part 109 when engaged in OCS activities.

§ 146.205 Requirements for foreign MODUs.

Each mobile offshore drilling unit that is documented under the laws of a foreign nation must, when engaged in OCS activities, comply with one of the following:

(a) The operating standards of 46 CFR Part 109.

(b) The operating standards of the documenting nation if the standards provide a level of safety generally equivalent to or greater than that provided under 46 CFR Part 109.

(c) The operating standards for mobile offshore drilling units contained in the International Maritime Organization (IMO, formerly Inter-Governmental Maritime Consultative Organization or IMCO) (IMO) Code for the Construction and Equipment of Mobile Offshore Drilling Units (IMO Assembly Resolution A. 414(XI)) which has been incorporated by reference and the requirements of 46 CFR Part 109 for matters not addressed by the Code.

§ 146.210 Emergency Evacuation Plan.

(a) Except as otherwise provided in this section, the requirements applicable to Emergency Evacuation Plans (EEPs) on manned OCS facilities under § 146.140 are applicable to MODUs.

(b) An EEP must be submitted by—

(1) The holder of a lease or permit under the Act for each MODU within the area of the lease or the area covered by the permit; or

(2) The operator under 30 CFR 250.2(gg), if other than the holder of a lease or permit, for each MODU within the area in which the operator controls or manages operations.

(c) To avoid unnecessary duplication, the EEP may incorporate by reference pertinent sections of the MODU's operating manual required by 46 CFR 109.121.

(d) In complying with § 146.140(d)(7), the EEP must designate the master or person in charge of

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the MODU under 46 CFR 109.107 as the individual who is assigned primary responsibility for implementing the EEP, as it relates to that MODU.

[CGD 84-098b, 54 FR 21573, May 18, 1989]

Subpart D—Vessels

§ 146.301 Applicability.

This subpart applies to vessels engaged in OCS activities other than United States vessels already required to report marine casualties under Subpart 4.05 of 46 CFR Part 4 or Subpart D of 46 CFR Part 109.

§ 146.303 Notice and written report of casualties.

The owner, operator, or person in charge of a vessel engaged in OCS activities shall ensure that the notice of casualty requirements of §146.30 and the written report requirements of §146.35 are complied with whenever a casualty involving the vessel occurs which results in:

- (a) Death;
- (b) Injury to 5 or more persons in a single incident; or
- (c) Injury causing any person to be incapacitated for more than 72 hours.

(Approved by the Office of Management and Budget under OMB control numbers 2115-0003 and 2115-0004)

PART 147—SAFETY ZONES

Sec.

- 147.1 Purpose of safety zones.
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AUTHORITY: 14 U.S.C. 85; 33 U.S.C. 2071; 49 CFR 1.46.

SOURCE: CGD 78-160, 47 FR 9386, Mar. 4, 1982, unless otherwise noted.

§ 147.1 Purpose of safety zones.

Safety zones may be established around OCS facilities being constructed, maintained, or operated on the Outer Continental Shelf to promote the safety of life and property on the facilities, their appurtenances and attending vessels, and on the adjacent waters within the safety zones. Regulations adopted for safety zones may extend to the prevention or control of specific activities and access by vessels or persons, and include measures to protect the living resources of the sea from harmful agents. The regulations do not encompass the operating equipment or procedures used in the drilling for and production of oil, gas, or other minerals, or the transportation of oil, gas, or other minerals by pipeline except as they relate to the safety of life and property on OCS facilities and on the waters adjacent to OCS facilities or to the protection of the living resources of the sea within a safety zone from harmful agents.

§ 147.5 Delegation of authority.

The authority to establish safety zones and to issue and enforce safety zone regulations in accordance with the provisions of this part is delegated to District Commanders.

§ 147.10 Establishment of safety zones.

(a) Whenever it comes to the attention of the District Commander that a safety zone and regulations may be required concerning any OCS facility being constructed, maintained, or operated on the Outer Continental Shelf or its appurtenances and attending vessels, or the adjacent waters, the District Commander may initiate appropriate inquiry to determine whether a safety zone and regulations should be established. In making this determination, the District Commander considers all relevant safety factors, including existing or reasonably foreseeable congestion of vessels, the presence of unusually harmful or hazardous substances, and any obstruction

within 500 meters of the OCS facility. If the District Commander determines that the circumstances warrant the establishment of a safety zone and regulations the District Commander takes action as necessary consistent with the provisions of this part.

(b) Except as provided in paragraph (c) of this section, a safety zone and necessary regulations may be established concerning any OCS facility being constructed, maintained or operated on the Outer Continental Shelf, following publication of a notice of proposed rule making in the *FEDERAL REGISTER* and after interested parties have been given the opportunity to submit comments. A zone and necessary regulations may be in effect during any period when construction equipment and materials are within 500 meters of the construction site until the removal of all portions of the facility.

(c) A safety zone and necessary regulations may be established without public rule making procedures when the District Commander determined that imminent danger exists with respect to the safety of life and property on an OCS facility constructed, maintained, or operated on the Outer Continental Shelf, its appurtenances and attending vessels or adjacent waters. A safety zone and regulations may be made effective on the date the rule is published in the *FEDERAL REGISTER*. However, if circumstances require, they may be placed into effect immediately, followed promptly by publication in the *FEDERAL REGISTER*. The District Commander may utilize, in addition to broadcast Notices to Mariners, Local Notices to Mariners, and Notices to Mariners, newspapers, and broadcasting stations to disseminate information concerning a safety zone and regulations pertaining thereto. The public may comment concerning the establishment of a safety zone or regulations under this paragraph. A safety zone or regulations may be modified or withdrawn, as appropriate, based on the comments received.

(d) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North

American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts reference to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 78-160, 47 FR 9386, Mar. 4, 1982, as amended by CGD 86-082, 52 FR 33811, Sept. 8, 1987]

§ 147.15 Extent of safety zones.

A safety zone establishment under this part may extend to a maximum distance of 500 meters around the OCS facility measured from each point on its outer edge or from its construction site, but may not interfere with the use of recognized sea lanes essential to navigation.

§ 147.1101 Definitions.

Attending vessel. As used in safety zones established in the Eleventh Coast Guard District, unless otherwise stated, the term "attending vessel" refers to any vessel operated by the owner or operator of a facility located on the Outer Continental Shelf, which is used for the purpose of carrying supplies, equipment or personnel to or from the facility, engaged in construction, maintenance, alteration or repair of the facility, or which is used for further exploration, production, transfer or storage of natural resources from the seabed beneath the safety zone.

[CCGD 11-79-02, 47 FR 39679, Sept. 9, 1982; 48 FR 33263, July 21, 1983]

§ 147.1102 Platform GRACE safety zone

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-10'-47"N, 119°-28'-05"W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CCGD 11-79-02, 47 FR 39679, Sept. 9, 1982; 48 FR 33263, July 21, 1983]

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§ 147.1103 Platform GINA safety zone.

(a) *Description*: The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-07'-02"N, 119°-16'-35"W.

(b) *Regulations*: No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CCGD 11-79-02, 47 FR 39679, Sept. 9, 1982; 48 FR 33263, July 21, 1983]

§ 147.1104 Platform ELLEN & ELLY safety zone.

(a) *Description*: The areas within a line 500 meters from each point on the outer edge of each structure. The structures are approximately 120 meters apart. The position of the center of each structure is: Platform Ellen, 33°-34'-57"N, 118°-07'-42"W; and Platform Elly, 23°-35'-00"N, 118°-07'-40"W.

(b) *Regulations*: No vessel may enter or remain in this safety zone except the following: (1) An attending vessel serving either structure, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CCGD 11-79-02, 47 FR 39679, Sept. 9, 1982; 48 FR 33263, July 21, 1983]

§ 147.1105 Platform HONDO safety zone.

(a) *Description*: The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-23'-27"N, 120°-07'-14"W.

(b) *Regulations*: No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CCGD 11-79-02, 47 FR 39679, Sept. 9, 1982; 48 FR 33263, July 21, 1983]

§ 147.1106 Exxon Santa Ynez offshore storage and treatment vessel mooring safety zone.

(a) *Description*: The area within a line 1108 meters for the center of the mooring. The position of the center of the mooring is 34°-24'-19"N 120°-06'00"-W.

(b) *Regulations*: No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CCGD 11-79-02, 47 FR 39679, Sept. 9, 1982; 48 FR 33263, July 21, 1983]

§ 147.1107 Platform GILDA safety zone.

(a) *Description*: The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-10'-56"N, 119°-25'-07"W.

(b) *Regulations*: No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CCGD 11-79-02, 47 FR 39679, Sept. 9, 1982; 48 FR 33263, July 21, 1983]

§ 147.1108 Platform EDITH safety zone.

(a) *Description*: The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33°-35'-45"N, 118°-08'-27"W.

(b) *Regulations*: No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CCGD 11-79-02, 47 FR 39679, Sept. 9, 1982; 48 FR 33263, July 21, 1983]

§ 147.1109 Platform HERMOSA safety zone.

(a) *Description*: The area within a line 500 meters from each point on the structure's outer edge. The position of

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the center of the structure is 34-27-19 N, 120-38-47 W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CGD 11-84-01, 49 FR 33015, Aug. 20, 1984]

§ 147.1110 Platform HARVEST safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34-28-09.5N, 120-40-46.1W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CGD 11-84-01, 49 FR 33016, Aug. 20, 1984]

§ 147.1111 Platform EUREKA safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33-33-50N, 118-07-00W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel,

(2) a vessel under 100 feet in length overall not engaged in towing or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CGD 11-84-01, 49 FR 33016, Aug. 20, 1984]

§ 147.1112 Platform HIDALGO safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34-29-42N, 120-42-08W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CGD 11-84-01, 49 FR 33016, Aug. 20, 1984]

§ 147.1113 Platform GAIL safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°-07'-30" N, 119°-24'-01" W.

(b) *Regulation:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

[CGD11-87-06, 52 FR 9657, Mar. 26, 1987]

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SUBCHAPTER N—OUTER CONTINENTAL SHELF ACTIVITIES

More Citations in this index are, for the most part, references to general subject matter only. The applicability of a reference to any given type of application (e.g. MODU, Platform, Manned, Unmanned, U.S., Foreign, etc.) should always be checked against the description of "applicability" preceding most Parts or Subparts in the regulations.

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APPENDIX A—ENVIRONMENTAL REVIEW CRITERIA FOR DEEPWATER PORTS

AUTHORITY: Secs. 5(a), 5(b), Pub. L. 96-627, 88 Stat. 2131 (33 U.S.C. 1504(a), (b)); CFR 1.46(a).

SOURCE: CGD 75-002, 40 FR 52553, Nov. 10, 1975, unless otherwise noted.

Subpart A—General**§ 148.1 Purpose.**

This subchapter prescribes regulations for the licensing, construction, design and equipment, and operation of deep-water ports.

§ 148.3 Definitions.

The terms listed in sections 3 and 4 of the Act, whenever used in Part

148, 149 and 150, have the same meaning they have in the Act, except as provided in this section for "Affiliate."

"Act" means the Deepwater Port Act of 1974.

"Affiliate" means each person:

(1) Having any direct or indirect ownership interest in the applicant of greater than three percent;

(2) With whom the applicant has made, or proposes to make, a significant contract for financing, managing or otherwise participating in the construction or operation of the deepwater port proposed to be licensed;

(3) Who owns or controls any person who is an affiliate by operation of paragraphs (a) or (b) of this definition, or who owns or controls the applicant;

(4) Owned or controlled by or under common ownership or control with an applicant or any person who is an affiliate by operation of paragraphs (a), (b) or (c) of this definition; or

(5) Who is determined by the Secretary to have information required to review or process the application.

"Barrel" means 42 U.S. gallons at atmospheric pressure and 60° Fahrenheit.

"Captain of the Port" means a Coast Guard Officer commanding a Captain of the Port Area described in Part 3 of this chapter.

"Crude oil" means a mixture of hydrocarbons that exist in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities and includes:

(1) Liquids technically defined as crude oil;

(2) Small amounts of hydrocarbons that exist in the gaseous phase in natural underground reservoirs but are liquid at atmospheric pressure after being recovered from oil well (casing head) gas in lease separators; and

(3) Small amounts of non-hydrocarbons produced with the oil.

"Deepwater port" means any fixed or floating manmade structures other than a vessel, or any group of such structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the loading or unloading and further han-

dling of oil for transportation to any State, except as otherwise provided in section 23 of the Act. The term includes all associated components and equipment, including pipelines, pumping stations, service platforms, mooring buoys, and similar appurtenances to the extent they are located seaward of the high water mark.

"Gross under keel clearance" means the distance between the keel of a tanker and the ocean bottom when the tanker is moored or anchored in calm water free of wind, wave, current, or tide conditions that would induce ship motion.

"Marine site" means the area in which the deepwater is located, and includes the safety zone, attendant ships' routing measures, anchorages and all areas seaward of the high water mark in which associated components and equipment of the deepwater port are located.

"Miles" means nautical miles.

"Net under keel clearance" means that distance between the ocean bottom and the portion of a tanker's hull closest to the ocean bottom when the tanker is underway, moored or anchored, considering ship motion in responding to the combination of actual wind, wave, tide, and current conditions.

"PAD District" means one of the five Petroleum Administration for Defense Districts defined by the Bureau of Mines, Department of the Interior.

"Platform" means a fixed structure which rests on or is embedded in the sea-bed that has floors or decks in which an activity or specific function may be carried out.

"Production District" means a State and each district within the State of Louisiana, New Mexico or Texas for which production of crude petroleum is separately reported by the Bureau of Mines, Department of the Interior.

"Pumping platform complex" (PPC) means a single platform or a series of interconnected platforms that have one or more of the following capabilities:

(1) Pumping oil between a vessel and the shore.

(2) Berthing and messing facilities for assigned personnel.

(3) Landing area for helicopters.

(4) Mooring and loading for small vessels.

"Refining District" means a refining district as defined by the Bureau of Mines, Department of the Interior, for reporting refining operations.

"SPM" means single point mooring buoy.

"Year-end proved reserves of crude oil" means the estimated quantities of all liquids statistically defined as crude oil, which geological and engineering data demonstrate with reasonable certainty as of December 31 of the year concerned to be recoverable in future years from known reservoirs under existing economic and operating conditions. Reservoirs are considered proved if economic producibility is supported by either actual production or conclusive formation tests. The area of an oil reservoir considered proved includes:

- (1) That portion delineated by drilling and defined by gas-oil or oil-water contacts, if any; and
- (2) The immediately adjoining portions not yet drilled, but which can be reasonably judged as economically productive on the basis of available geological and engineering data.

In the absence of information on fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of reservoir. Reserves of crude oil which can be produced economically through application of improved recovery techniques (such as fluid injection) are included in the "proved" classification when successful testing by a pilot project, or the operation of an installed program in the reservoir, provides support for the engineering analysis on which the project or program was based.

[CGD 75-002, 40 FR 52553, Nov. 10, 1975, as amended by CGD 76-096, 45 FR 85647, Dec. 29, 1980]

Subpart B—Applications

GENERAL

§ 148.101 Applicability.

This subpart prescribes rules that apply to each application, including competing applications described in section 5(d)(3) of the Act, for the issuance of a license for the ownership,

construction, and operation of a deep-water port.

§ 148.103 Application staff address.

The address of the application staff is: Commandant (G-WDWP/61), U.S. Coast Guard, 2100 Second Street, SW, Washington, D.C. 20593.

§ 148.105 Preparation.

(a) Any person may confer with the application staff concerning the preparation of an application.

(b) An applicant may incorporate by clear and specific reference in his application any:

(1) Standard reference material upon which he relies and which he knows to be readily available to Federal and State Agencies;

(2) Current information contained in previous applications or reports that he has submitted to the application staff; and

(3) Current information contained in a tariff, report or other document previously filed for public record with the Interstate Commerce Commission, the Securities and Exchange Commission, or the Federal Energy Administration, provided:

(i) A certified true and complete copy of the document is attached to each of 10 of the 60 copies of the application required by § 148.107(a);

(ii) Each copy filed with the application bears on its cover notation of the date of filing and the document number or other locator; and

(iii) Any verification or certification required for the original filing (other than from auditors or other independent persons) is brought current to a date not earlier than 30 days prior to the date of the application.

(c) If any required information is furnished pursuant to § 148.111(b), the application need only state with respect thereto, in the appropriate place or places: "Required information is being furnished by [named affiliate] [all affiliates] pursuant to § 148.111(b)."

§ 148.107 Copies: fees.

(a) Sixty copies of each license application must be submitted to the application staff.

(b) One copy of each license application must be submitted to the U.S. Army Corps of Engineers District office having jurisdiction over the proposed port.

(c) A nonrefundable application fee of \$100,000 must be submitted with each application for issuance of a license. If additional information is necessary to make an application complete, no additional application fee is required.

(d) The costs incurred by the United States in processing an application will be charged to the application fee until it is exhausted. Reimbursement for additional processing costs, above the application fee, must be submitted to the application staff when assessed.

(e) Fees and costs assessed under this section must be made payable to the United States Treasury.

§ 148.109 Contents of application for issuance of license.

Each application must include the following:

(a) *Identity of applicant and affiliates.* (1) The name, address and principal business activity of the applicant and of each affiliate.

(2) A list of all domestic subsidiaries and a list of all foreign subsidiaries of each applicant and of each affiliate that elects under § 148.111(a) to furnish required information on a consolidated basis.

(3) The name, address and principal business activity of each subsidiary or division of an applicant or an affiliate which participated directly and substantially in the planning, evaluating or approving of participation in the construction, financing, or operation of a deepwater port.

(b) *Proof of citizenship and authority.* (1) If the applicant is an individual, group of individuals, a partnership or an association, an affidavit from each individual stating that he is a citizen of the United States of America.

(2) If the applicant is a corporation, one copy of its charter or instrument by which the corporation is formed and organized under general corporation laws, certified by the Secretary of State or other appropriate authority of the State in which incorporated,

and a copy of its by-laws certified by its Secretary or an Assistant Secretary.

(3) If the applicant is a State, or combination of States, or any political subdivision, agency, or instrumentality of a State, including a wholly owned corporation, a copy of the laws authorizing the operations detailed in the application.

(c) *Address for service of documents.* The name and address of a person upon whom service may be made if a formal hearing is held on the application and the name and address of a person to whom documents not required to be served under § 148.275 may be sent.

(d) *Verification.* A statement at the end of the application subscribed and sworn to before a notary public that the individual who signed the application has read it and that its contents are true to his best knowledge and belief.

(e) *Financial information.* (1) For each applicant and affiliate:

(i) Its most recent annual financial statement, including an income statement and a balance sheet, accompanied by an opinion of a certified public accountant; and

(ii) An interim income statement and balance sheet for each subsequent fiscal quarter-year ended prior to 30 days before submission of the application.

(2) The proposed location and capacity of the deepwater port, including all components thereof, together with a general description of the anticipated use of the deepwater port during the expected life of the project.

(3) An estimate of construction costs, by phases together with estimated dates or periods for completion of each phase, or annually, and a detailed estimate of the cost of removal of all marine components of the deepwater port, other than pipelines lying below the seabed.

(4) Annualized projections or estimates of each of the following, at reasonable intervals throughout the expected useful life of the deepwater port:

(i) Total oil throughput together with subtotals of throughput of oil owned by the applicant and affiliates

and of throughput of oil owned by others.

(ii) Annual revenue.

(iii) Annual operating expenses, showing separately any anticipated management fee, payment, allowance, or credit to any affiliate for management or operation of the port or any component.

(5) A copy of every agreement or proposal relating to the ownership or management of a deepwater port or any of its components or to the financing of the construction or operation of the deep-water port or component, including those relating to throughputs, capital contributions, loans, guarantees, and commitment therefor.

(6) To the extent known to the applicant or any affiliate, every existing or proposed:

(i) Tariff or portion thereof to be filed with the Interstate Commerce Commission;

(ii) Rate or joint rate; and

(iii) Agreement, arrangement or understanding with respect to terms or conditions on which other persons may become an affiliate or with respect to minimum or maximum tenders or other economic restrictions on shipments by nonaffiliated persons.

If any item required by this subparagraph has not been determined, an explanation of the basis on which it will be determined must be included.

(7) To the extent known to the applicant or any affiliate, the anticipated:

(i) Total annual demand for crude oil; and

(ii) Total year-end proved reserves of crude oil for each Production District within the PAD District in which oil from the proposed deepwater port is to be landed, at reasonable intervals throughout the expected useful life of the deepwater port.

(8) To the extent known to the applicant or any affiliate, the anticipated:

(i) Total refinery capacity;

(ii) Total runs to stills; and

(iii) Total demand for gasoline, for jet aviation fuels, for distillate fuel oils, and for other refinery products, for each Refining District within the PAD District in which oil from the deepwater port is to be landed, at rea-

sonable intervals throughout the expected useful life of the deepwater port.

(9) If the PAD District in which oil from deepwater port is to be landed has a surplus:

(i) Of crude oil production and imports over refinery capacity, the information required in paragraph (e)(7) of this section must also be set forth for each Production District within the PAD Districts to which surplus crude oil from the District in which oil from deepwater port is landed is expected to be transported; and

(ii) Of refinery capacity over demand for refinery products, the information required in paragraph (e)(8) of this section must also be set forth for each Refining District within the PAD Districts to which surplus refinery products from the PAD District in which oil from the deepwater port is landed is expected to be transported. If this includes the East Coast Refining District, the information for that district must be separately stated for the following three components:

(a) New England: The States of Massachusetts, Rhode Island, and Connecticut.

(b) South-Atlantic: The States of Virginia, North Carolina, South Carolina, Georgia, and Florida.

(c) Mid-Atlantic: The remaining area of the East Coast Refining District (Maine, Vermont, New Hampshire, New Jersey, Maryland, Delaware, District of Columbia, and the eastern parts of New York and Pennsylvania).

(10) From each applicant or affiliate which is engaged in producing, refining, or marketing oil, its estimate of its components of the totals required to be included under the provisions of paragraphs (e)(7), (8) and (9) of this section.

(11) From each applicant or affiliate engaged in producing, refining, or marketing oil, for each item it is required to supply under paragraph (e)(10) of this section, its actual data for each of the three calendar years immediately prior to the date of application.

(12) From each applicant or affiliate which has a significant interest in any refinery within any refinery district on which information is required to be

disclosed under paragraphs (e)(8) or (9)(ii) of this section, for each refinery, its:

(i) Location;
(ii) Runs to still for each of the three calendar years prior to date of application; and

(iii) Production for each of the three calendar years prior to date of application of gasoline, jet aviation fuel, distillate fuel oils, and other products.

(13) From each applicant or affiliate engaged in producing, refining or marketing oil, for each of the three calendar years immediately prior to the date of application, its total domestic and total worldwide: yearend proved reserves; annual production imports into the United States; and annual refinery runs to still and production of gasoline, jet aviation fuel, distillate fuel oils and other refinery products.

(f) *General technical information.*
(1) A description of the experience of the applicant, each affiliate of the applicant that the applicant may want to provide, and each consultant of the applicant in offshore operations, with particular emphasis on involvement in offshore transfer and storage of liquid cargo and vessel loading and unloading operations.

(2) A listing and abstract of each study relied upon by the applicant and a listing and abstract of each ongoing or completed study pertaining to deepwater ports conducted by or for the applicant, later supplemented by data of particular environmental or operational concern from specific studies identified by the Coast Guard.

(3) The name, address, citizenship and telephone number of each affiliate of the applicant together with a description of the manner in which the affiliate is associated with the applicant.

(4) The name, address, citizenship, telephone number and qualifications of each engineering firm, if known, that will design the deepwater port, or any portion of the port.

(5) The ownership interest in the applicant of each affiliate having any ownership interest in the applicant of greater than 3 percent.

(6) For each affiliate with whom the applicant has made, or proposes to make a significant contract for the

construction of any part of the deepwater port, a description of that affiliate's experience in construction of marine terminal facilities, offshore structures, underwater pipelines, seabed foundations or any other experience that would bear on his qualification to participate in the construction of a deepwater port.

(7) A copy of each contract made by the applicant for the construction of any component of the deepwater port or for the operation of the port.

(g) *Water.* Evidence that the requirements of section 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1341(a)(1), will be satisfied, except that, in those cases where certification under section 401(a)(1) must be obtained from the Administrator of the United States Environmental Protection Agency, the request for such certification must accompany each application for a license under the Act.

(g-1) *Coastal zone management.* The certification, or certifications, required by section 307 of the Coastal Zone Management Act of 1972, as amended.

(h) *Lease block identification.* (1) Identification of each lease block established either by the Secretary of the Interior under section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334), or by a State under the authority of section 3 of the Submerged Lands Act (43 U.S.C. 1311), within which any part of the proposed deepwater port or its approaches are located. This identification should be made using Official Outer Continental Shelf Leasing Maps or Protraction diagrams where they are available. For each identified lease block, the following must be provided:

(i) A description of each pipeline, or other right-of-way crossing, in enough detail to allow plotting of rights-of-way and facilities to the nearest one-tenth of a second in latitude and longitude.

(ii) The identity of the lessee of each pipeline or other right-of-way.

(2) Detailed information concerning any interest that the applicant and others have in each block and concerning the present and planned use of each block.

(l) *Overall site plan.* Single-line drawings showing the location and type of each component of the proposed deepwater port and its necessary facilities, including floating structures, fixed structures, aids to navigation, manifold systems and onshore storage areas, pipelines, and refineries.

(j) *Site plan for marine components.* A site plan consisting of:

(1) The proposed size and location of:

- (i) All fixed and floating structures;
- (ii) SPM swing circles;
- (iii) Maneuvering areas;
- (iv) Recommended ships' routing measures and proposed vessel traffic patterns in the port area;
- (v) Recommended anchorage areas;
- (vi) Recommended mooring area for support vessels;
- (vii) Required and recommended aids to navigation; and
- (viii) Pipelines and cables within the marine site;

(2) The charted water depth throughout the proposed marine site as verified by the reconnaissance hydrographic survey required by this subpart.

(3) A reconnaissance hydrographic survey of the proposed marine site.

NOTE: A requirement to submit an engineering hydrographic survey of the final marine site will be imposed as a license condition.

(k) *Soil data.* An analysis of the general character and condition of the ocean bottom and sub-bottom throughout the marine site and along the path of the pipeline to the shore, including an opinion by a registered professional engineer specializing in soil mechanics concerning:

(1) The suitability of the soil to accommodate the anticipated design load of each marine component that will be fixed to or supported on the ocean floor; and

(2) The stability of the seabed when exposed to the environmental forces resulting from severe storms, or to lesser forces that continue for an extended period, including any history of accretion or erosion of the coast line in proximity to the marine site.

(l) *Operational information.* (1) The maximum lengths, maximum drafts, and maximum deadweight tonnages of

the tankers to be accommodated at each SPM.

(2) Calculations with supporting data and other documentation to show that the charted water depth at the proposed SPM location is sufficient to provide at least a 5 foot net under keel clearance for each tanker that the applicant expects to be accommodated at the SPM.

(3) A detailed description of the manner of forecasting the wind, wave, and current conditions described in the draft Operations Manual during which the following would occur:

(i) Shutdown of oil transfer operations.

(ii) Departure of the tanker from the mooring.

(iii) Prohibition on mooring to a SPM.

(iv) Shutdown of all operations and evacuation of the port.

(4) The speed limits proposed for tankers in the safety zone.

(m) *Floating components data.* (1) A description and preliminary design drawing of each floating component including the hoses and the anchoring or securing structure and navigation lights if the component is a mooring buoy.

(2) The design criteria, developed pursuant to Part 149 of this chapter to which each floating component is to be designed and built.

(3) The design standards and code to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the results of any design and evaluation studies performed by or for the applicant on floating component.

(6) A description of safety, fire fighting, and pollution prevention equipment to be used on each floating component.

(7) A description of lighting to be used on floating hoses for night detection.

(n) *Fixed marine components data.* (1) A description and preliminary design drawing of each fixed marine component.

(2) The design criteria, developed pursuant to Part 149 of this chapter to which each fixed marine component is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the results of any design and evaluation studies performed by or for the applicant for any fixed marine component and utilized in the development of the application.

(6) A description of navigational lighting, safety, lifesaving, fire fighting, pollution prevention and removal, and waste treatment equipment to be installed.

(7) A description and preliminary design drawing of the oil pumping equipment, piping system, control and instrumentation system, and any associated equipment, including the oil throughput measuring equipment, leak detection equipment, alarm system, and emergency shutdown equipment.

(8) The personnel capacity of each PPC.

(o) *Offshore pipeline data.* (1) A description and preliminary design drawing of the marine pipeline, including size, throughput capacity, length, depth and protective devices.

(2) The design criteria to which the marine pipeline is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description of the metering system to be used to measure flow rate.

(6) Information concerning all submerged or buried pipelines that will be crossed by the offshore pipeline and the manner in which the crossing will be made.

(p) *Onshore components data.* (1) A description of the location, capacity, and ownership of, and a preliminary design drawing for construction of new or expansion of existing onshore pipelines, storage facilities, refineries, petro-chemical facilities, and transshipment facilities to be served by the deepwater port.

(2) Location, capacity, and ownership of existing onshore pipelines, storage facilities, refineries, petro-chemical facilities, and transshipment

facilities to be served by the deepwater port.

(3) A chart showing the location of all planned and existing onshore pipelines, storage facilities, refineries, and petrochemical facilities and transshipment facilities to be served by the deepwater port.

(4) From each applicant or affiliate which is engaged in producing, refining or marketing oil, throughput of crude oil, of gasoline, of jet aviation fuel, of distillate fuel oils and of other refinery products, for the calendar year preceding the date of application, and a copy of each existing or proposed throughput agreement.

(5) A facility is served by the deepwater port if it is within a PAD District for which information is required under paragraph (e)(7), (8) or (9) of this section and is either served by connection with a common carrier pipeline or a component of or appurtenant to a common carrier pipeline.

(6) Crude oil gathering lines and lines wholly within a facility must be included only if specifically required under paragraph (z) of this section. Entry points and major connections between lines and with bulk purchasers must be included.

(q) *Miscellaneous components data.*

(1) A description of the communications systems to be used in operation of the deepwater port.

(2) A description of the radar navigation system to be used in operation of the deepwater port to include the type and characteristics of the radar and the antenna location.

(3) A description of plans and method of bunkering vessels using the deepwater port.

(4) Type, size and number of vessels to be used in bunkering, mooring, and servicing the vessels using the deepwater port.

(5) A description and exact location of any shore based support facilities to be provided for vessels described in paragraph (q)(4) of this section.

(r) *Construction procedures.* A description of the method and procedures to be used in constructing each component of the deepwater port and a description of each phase, including anticipated dates of completion for each of the specific components.

(a) *Draft Operations Manual.* A draft Operations Manual for the proposed port prepared in accordance with the "Guidelines for Preparation of a Deepwater Port Operations Manual". If required information is not available, an applicant should so state, show why, and state when the information can be expected to be provided.

(t) *Environmental analysis.* An environmental analysis prepared in accordance with "Guide to Preparation of Environmental Analyses for Deepwater Ports."

(u) *Aids to Navigation.* (1) For each proposed aid to navigation, the proposed position of the aid described by latitude and longitude coordinates to the nearest second or tenth of a second as determined from the largest scale chart of the area in which the aid is to be located. (Latitude and longitude should be specified to a level obtained by visual interpolation between the finest graduation of the latitude and longitude scales on the chart.)

(2) For each proposed obstruction light and the proposed rotating lighted beacon, the color, characteristic, effective intensity, height above water, and general description of illumination apparatus.

(3) For each proposed fog signal on a structure, a general description of the apparatus.

(4) For each proposed buoy, the shape, color, number or letter, and depth of water in which located, and a general description of any light or fog signal apparatus installed.

(5) For the proposed radar beacon (RACON), height above water and a general description of the apparatus.

(v) *Telecommunications equipment.* A description of the radio stations or other communications facilities and the proposed concept of operation to serve the deepwater port during construction or operation.

NOTE: Federal Communications Commission application for these facilities may be submitted directly to the Federal Communications Commission when sufficient technical information is available to meet the rules of that agency. The holding of appropriate Federal Communications Commission licenses will be made a condition on a deepwater port license.

(w) *National Pollutant Discharge Elimination System Information.* To the extent available, the information prescribed by, and submitted on, "National Pollutant Discharge Elimination System" (NPDES). Application for Permit to Discharge, Short Form "D" for applying for issuance of a discharge permit to the Administrator of the Environmental Protection Agency (EPA). If complete information is not available by the time the Secretary must either approve or deny the application for a designated application area, under section 5(l)(1) of the Act the license is conditioned upon the applicant receiving the required discharge permit from the EPA prior to the commencement of any discharge requiring the same.

(x) *Discharge of dredged or fill material.* The information prescribed by and submitted on, Form EP 1145-3 contained as Appendix B of "Application for Department of Army Permit for Activities in Waterways, EP 1145-3-1 of 1 October 1974" for each permit issued by the Secretary of the Army in compliance with:

(1) Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403);

(2) Section 404(b) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816; 33 U.S.C. 1251); or

(3) Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (86 Stat. 1052; 33 U.S.C. 1401).

(y) *Additional Federal authorizations required.* All other applications for Federal authorizations required for ownership, construction, and operation of a deepwater port not listed elsewhere in this subpart.

(z) *Supplemental information.* (1) designation of locations where the applicant and each affiliate has segregated and filed documents in its possession relating to deepwater ports which were prepared within four years of the date of application and which fall under one or more of the following categories:

(i) Prepared by or for, or submitted to, a Board of Directors or an executive, management or planning committee.

(ii) Concern the financing of construction or operation of a deepwater port, including throughput nominations and membership in and financing of any existing or proposed joint venture.

(iii) Concern existing or proposed or anticipated rates or joint rates.

(iv) Determined by the Secretary to be required to review and process the application.

(2) Documents referred to in paragraph (2)(1) of this section must be available during normal business hours to the Secretary or the General Counsel of the Department of Transportation or the designate of either of them, for inspection and copying, at the locations designated in the application unless the General Counsel requires consolidation of documents from two or more locations. If any claim of privilege or immunity is asserted with respect to any document or record designated for inspection or copying, the person making the claim shall furnish to the Secretary or the General Counsel or his designate as the case may be, in accordance with § 148.219(c), an identification of the document and statement of the claim.

(3) The Secretary may require an applicant or affiliate to make available for examination under oath or for interview persons having, or believed to have, designated information. Interviews and examinations are conducted by or at the direction of the General Counsel.

(4) The Secretary may require an applicant or affiliate to file as a supplement to the application any analysis, explanation or detailing of information in the application or any other information determined by the Secretary to be required to review or process the application.

(5) Any Federal or State department or agency or other interested person may file with the clerk a request or recommendation for further information. Requests and recommendations received within 30 days after notice of the initial application has been published will be fully considered before any final determination is made under this paragraph (2). Requests and recommendations must include a brief statement of the purpose of any pro-

posed requirement, including, if it relates to conduct, the nature of the conduct and the probable consequences, or if the proposed requirement relates to physical characteristics, the nature of any safety, health, environmental or economic concerns.

(6) In exercising the authority to require supplemental information under paragraph (2)(2), (3) or (4) of this section, the Secretary, the General Counsel, or the designate, as the case may be, may fix a time by which an applicant or affiliate must meet the requirement. If an application states that required information is not yet available but will be furnished at a later date, the Commandant may specify a time by which the information must be provided. If any requirement is not met by a time fixed in accordance with this subparagraph, the Secretary shall determine whether compliance with the requirement is material to processing of the application within the time prescribed in the Act. If the Secretary determines that it is material, he may disapprove the application, or may suspend the application pending a determination that processing can be resumed. The period of any suspension shall not be counted in determining the date prescribed by the time limit set forth in sections 4(c)(6), 5(d)(3), 5(e)(2), 5(g), 7(b)(1) or 9(b)(1) of the Act.

[CGD 75-002, 40 FR 52553, Nov. 11, 1975; 40 FR 58144, Dec. 15, 1975, as amended by CGD 76-096, 45 FR 85647, Dec. 29, 1980]

§ 148.111 Optional procedures.

(a) *Consolidated statements.* Applicants and affiliates may elect to supply required information consolidated in accordance with generally accepted accounting principles, if and to the extent that consolidated statements or reports are filed with the Interstate Commerce Commission, the Securities and Exchange Commission, or the Federal Energy Administration, but if those filings are also made or required to be made by line of business or other classifications, the application shall be prepared on the same basis. An election under this paragraph is subject to the authority of

the Secretary to require supplemental information, pursuant to § 148.109(e).

(b) *Direct submissions by affiliates.* If any affiliate has reason to believe that it or its business or property would be prejudiced by furnishing information required from it to the applicant, the affiliate may file the required information directly with the clerk. The information must be enclosed in a sealed envelope bearing on the outside the names of the applicant and affiliate and the date or anticipated date of the application. If any claim of privilege or confidentiality is asserted with respect to the contents, the procedure specified in § 148.219(c) or (d) must be followed.

Subpart C—Application Proceeding

GENERAL

§ 148.201 Purpose.

This subpart prescribes rules of procedure and practice for application proceedings.

§ 148.203 Applicability.

(a) Except as provided in paragraph (b) of this section, the rules in this subpart apply to each application proceeding.

(b) The rules for formal hearings in §§ 148.251–148.291 apply only to application proceedings in which the Commandant issues a notice of formal hearing under § 148.251. The rules for informal hearings in §§ 148.231–148.235 apply only to proceedings to consider applications for issuance, transfer, and renewal of a license.

§ 148.205 Clerk: docket; record.

(a) The mailing address for the clerk in each proceeding is Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20593. The office of the clerk is located in the Transpoint Building, 2100 Second Street, SW., Washington, D.C.

(b) The clerk maintains a docket and the record for each proceeding. The docket lists each document in the record. The record contains all documents filed or issued in the proceeding that the clerk has received and any other documents in the proceeding

that are docketed in accordance with this subpart.

[CGD 75-002, 40 FR 52553, Nov. 10, 1975; 40 FR 58143, Dec. 15, 1975]

§ 148.207 Availability of documents in record.

(a) The procedure for inspecting and copying documents in the record of a proceeding is contained in 49 CFR Part 7 and section 14 of the Act. Copies of documents in the record of a proceeding are mailed to each adjacent coastal State unless their release is prohibited by 49 CFR Part 7 and section 14 of the Act.

(b) Comments submitted by Federal agencies and departments for each proceeding in accordance with sections 5(e)(2) and 7(b) of the Act are docketed when they are received. Copies of the draft and final environmental impact statements prepared in accordance with section 5(f) of the Act are docketed when they are transmitted to the Council on Environmental Quality.

(c) The applicant must designate any portions of the material submitted in an application that contain either trade secrets or commercial or financial information that is claimed to be privileged or confidential. Section 148.219 prescribes procedures for objecting to claims and resolving of disputed issues.

(d) A copy of the application, except trade secrets and confidential information, is available for inspection and copying at the document inspection facility of the Coast Guard District Office nearest the proposed deepwater port and at Commandant (G-WDWP/61), U.S. Coast Guard, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20593.

(e) The application staff will designate a custodian of all documents filed in a proceeding for which protection is claimed under section 14(b) of the Act. The custodian shall not make public for inspection documents for which protection is claimed nor otherwise disclose such information, unless the General Counsel is of the opinion that the disclosure is not inconsistent with the requirements of section 14(b) of the Act. The custodian shall keep

record of all officers and employees of the Department having custody of any copy or copies of undisclosed documents.

§ 148.211 Processing an application.

The Chief, Office of Marine Safety, Security and Environmental Protection takes the action described in section 5(c)(1) of the Act for processing each application received in a proceeding and for issuing in the FEDERAL REGISTER the notices described in section 5(c)(1). If he issues notice of application pursuant to section 5(c)(1) of the Act, the application staff thereafter delivers the application described in the notice to the clerk for docketing and mails a copy of the notice to each:

(a) Party;

(b) Adjacent coastal State; and

(c) Other coastal State bordering on the body of water in which the proposed port would be located.

(CGD 75-002,40 FR 52553, Nov. 10, 1975 as amended, at CGD 88-052, 53 FR 25121, July 1, 1988)

§ 148.213 Changes to an application.

If information in an application becomes materially inaccurate or incomplete after it is docketed in a proceeding but before the proceeding is terminated, the applicant must promptly file an amendment furnishing the corrected or additional information. Sixty copies of the amendment must be submitted to the application staff when the revisions are filed.

§ 148.215 Withdrawal of application.

An applicant may withdraw his application in a proceeding at any time before the proceeding is terminated by delivering or mailing notice of withdrawal to the clerk for docketing.

§ 148.216 Request by port for determination.

A port which applies for a determination under section 4(d) of the Act must submit a request in writing to the application staff within 30 days of the date that notice of application is published in the FEDERAL REGISTER. The request must:

(a) Be signed by the highest official of the port submitting the request;

(b) Contain a copy of existing plans for the construction of a deep draft channel and harbor;

(c) Certify that the port has an active study by the Secretary of the Army for the construction of a deep draft channel and harbor, or that the port has pending an application for a permit under section 10 of the Act of March 3, 1899 (30 Stat. 1121) for the construction;

(d) Provide any available documentation on:

(1) Initial costs, by phases if staged development, for the proposed on-shore project, including dredging, ship terminal and attendant facilities;

(2) Estimated annual operating expenses by phases, if staged development, including labor, for thirty years for all elements of the project;

(3) Estimated time of completion of all elements of the proposed project;

(4) An estimate of the volume of ship traffic, the volume and variety of the tonnage, an assessment of the potential traffic congestion conditions in the port and an assessment of the capability of the port for controlling vessel traffic as a result of the proposed dredging project;

(5) An assessment of the economic benefits estimated to be derived from the project, including:

(i) Economic contribution to the local, and regional area;

(ii) Induced industrial development;

(iii) Increased employment;

(iv) Increases in tax revenues; and

(v) Any other factors; and

(6) An assessment of the environmental and social impact of the project on elements of the local and regional community; and

(e) Provide a statement of its views on whether it seeks a determination that the State port best serves the national interest or that both developments are warranted.

§ 148.217 Designation of adjacent coastal States.

(a) The Chief, Office of Marine Safety, Security and Environmental Protection, in issuing a notice of application pursuant to section 5(c)(1) of the Act, designates as an adjacent coastal State each State which would

be directly connected by pipeline to the deepwater port proposed in the application or which is within 15 miles of the proposed deepwater port. A State not designated as an adjacent coastal State in the notice of application may request to be so designated on the basis that the risk of damage to its coastal environment is equal to or greater than the risk posed to a State directly connected by pipeline to the proposed deepwater port.

(b) Each request submitted under paragraph (a) of this section must:

(1) Be submitted in writing to the application staff within 14 days after the date of publication of the notice of application in the *FEDERAL REGISTER*;

(2) Be signed by the Governor of the State;

(3) Set forth the facts and any available analyses in support of the request together with any available documentation concerning the risk of damage to the coastal environment of the requesting State that could occur as a result of the establishment of a deepwater port; and

(4) State why the requesting State believes the risk of damage to its coastal environment is equal to or greater than the risk posed to a State connected by a pipeline to the proposed deepwater port.

(c) The application staff transmits a copy of each request submitted in accordance with paragraph (b) of this section to the Administrator of the National Oceanic and Atmospheric Administration and requests his recommendations within a period of time that will allow the Secretary to determine the matter within 45 days after the date the request was received.

(d) If, after having received the recommendation of the Administrator of the National Oceanic and Atmospheric Administration, the Secretary determines that there is a risk of damage to the coastal environment of the requesting State equal to or greater than the risk posed to a State directly connected to the proposed deepwater port, he grants the request and designates the requesting State as an adjacent coastal State. If he determines that there is not such a risk, he denies the request and so notifies the Governor of the requesting State.

[CGD 75-002, 40 FR 52553, Nov. 10, 1975, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§ 148.219 Claims and objections.

(a) Any person required to furnish information may assert, as ground for relief from the requirement, any failure to comply with this part or any other constitutional or legal right or privilege.

(b) In general, claims relating to documents must be made on filing an application or on receiving a determination by the Secretary pursuant to § 148.109(z).

(c) If a person claims attorney-client privilege, he must identify the communication by date, type of communication, persons making and receiving the communication, and general subject matter. If the required information is in a separable part of a communication, such as an attachment to a letter, the separate part must be similarly identified. The identification must be filed with the clerk or as a document pursuant to § 148.269.

(d) Any document claimed to be protected by section 14(b) of the Act must be placed in a sealed envelope, containing the name of the person claiming the protection and of the applicant, and the date or anticipated date of the application. A brief statement of the basis of the claim must be included, either on the envelope or separately. If a number of documents are involved, they must be grouped according to nature of claim, and a self-explanatory numbering system used for envelopes and documents.

(e) Written objection to any claim may be made by any Federal or State department or agency, or any applicant, affiliate, party or other interested person. The objection shall include a brief statement of its basis and identify the documents to which it applies.

(f) Except as provided in paragraph (g) of this section, the General Counsel shall determine, or designate a person to determine, issues raised by any claim filed under this section. A designation by the General Counsel may specify procedures to be used in resolving the issue or may leave some or all of the procedural matters to the discretion of the designated person.

The proceedings pursuant to a designation shall be reported to the General Counsel, who shall approve, modify or disapprove the reported findings and conclusions.

(g) Any person making or objecting to a claim, or other interested person, may at any time file with the General Counsel a request or recommendation as to procedures. The General Counsel may act upon it or refer it to a person designated to resolve the issue.

(h) At any formal or informal hearing the presiding officer may permit any person to assert any claim that could be filed under this section and may determine any issue raised by the claim or, in his discretion, refer it to the General Counsel for resolution pursuant to paragraph (f) of this section.

(i) The filing of any claim under this section, other than a claim of document protection under paragraph (d) of this section, shall stay the time for meeting any information required to which the claim relates, but shall not stay the periods for processing and review of an application unless the Secretary determines that compliance with the requirement is material to processing of the application within the time prescribed in the Act. If the Secretary determines that it is material, he may suspend the application pending a determination that processing can be resumed. The period of any suspension shall not be counted in determining the date prescribed by the time limit set forth in section 4(c)(6), 5(d)(3), 5(e)(2), 5(g), 7(b)(11) or 9(b)(1) of the Act.

(j) Any determination by the General Counsel under paragraph (f) of this section may be appealed to the Secretary for good cause shown.

INFORMAL PUBLIC HEARING

§ 148.231 Notice of public hearing.

After all applications in a proceeding are docketed, the Commandant issues a notice of public hearing and mails or delivers it to any person who requests it and to each applicant and adjacent coastal state. The clerk docketed the notice when it is published. Each notice shows the time and place for the hearings, formulates the factual

issues in the proceeding, procedural matters to govern the hearings, and designates the presiding officer assigned by the Commandant for the hearing.

§ 148.233 Testimony and argument.

Interested persons may attend any public hearing, present relevant material at the hearing, and submit briefs and oral argument at a time determined by the presiding officer during the hearing.

§ 148.235 Report of public hearing.

As soon as practicable after a public hearing is completed, the presiding officer forwards a report of the hearing to the clerk for docketing. The report at a minimum contains a summary of the materials presented and factual issues raised at the hearing and has attached to it a transcript of the hearing and all relevant materials and briefs submitted to the presiding officer. The presiding officer determines and announces to the participants during the course of the hearing what material will be attached to the report.

FORMAL HEARING

§ 148.251 Determination to hold formal hearing: notice of formal hearing.

(a) After the reports of public hearings are docketed in a proceeding, the Commandant determines whether there are specific and material factual issues concerning the applications that may be resolved by a formal hearing. If he determines that a formal hearing is necessary, he issues notice of formal hearing to the applicants, the application staff, and the administrative law judge.

(b) A notice of formal hearing lists the factual issues for resolution at the hearing, the applicants, and the administrative law judge assigned to conduct the hearing.

(c) The clerk mails or delivers a copy of the notice of formal hearing in a proceeding to each adjacent coastal state and to each person who requests notice of formal hearing.

§ 148.253 Assignment of administrative law judge: disqualification.

(a) The Commandant assigns the administrative law judge for a formal hearing.

(b) The administrative law judge may disqualify himself at any time after assignment by filing notice of withdrawal from the proceeding. If on motion of a party the administrative law judge does not disqualify himself, the party may appeal the ruling to the Commandant by filing notice of appeal within seven days after the ruling on the motion. A brief may be filed with the notice of appeal.

(c) If the assigned administrative law judge becomes unavailable during the proceeding, another administrative law judge is assigned.

§ 148.255 Jurisdiction of the administrative law judge.

(a) The jurisdiction of the administrative law judge over a proceeding begins when he is assigned. His jurisdiction ends 20 days after the transcript of the formal hearing is docketed or when he issues notice of withdrawal from the proceeding.

(b) The Commandant exercises the authority of an administrative law judge in a proceeding when no administrative law judge has jurisdiction.

§ 148.257 Authority of the administrative law judge.

The administrative law judge assigned to a formal hearing may:

(a) Administer oaths and affirmations;

(b) Issue subpoenas;

(c) Adopt procedures for the submission of evidence in written form;

(d) Rule on offers of proof and receive relevant evidence;

(e) Examine witnesses at the formal hearing;

(f) Dispose of procedural requests or similar matters;

(g) Convene, recess, reconvene, adjourn, and otherwise regulate the course of the formal hearing;

(h) Certify questions to the Commandant;

(i) If a party to a formal hearing fails to appear at a session of the hearing, proceed with the session without further notice to the party;

(j) Extend or shorten a time prescribed by this subpart to the extent consistent with the 240 days time limit prescribed in section 5(g) of the Act for completing public hearings in a proceeding;

(k) Prescribe a time for doing an act if the time is not prescribed in this subpart; and

(l) Take any other action authorized by or consistent with this subpart, the Act, or 5 U.S.C. 551-559.

§ 148.259 Ex parte communications.

If two or more applications have been filed in a proceeding, or if a person opposing an application has intervened in the proceeding, the administrative law judge may not consult any party on a fact in issue except on notice and opportunity for all parties to participate. The administrative law judge must prepare a summary of and have docketed each ex parte communication in the proceeding.

§ 148.261 Parties.

The parties to a formal hearing are the application staff, the applicants, and intervenors in the proceeding.

§ 148.263 Intervention.

(a) Any person may file a petition to intervene in a formal hearing, and any adjacent coastal state may intervene by filing a notice of intervention. The petition must be addressed to the administrative law judge, must identify the specific matters in the hearing on which he seeks to intervene and his interest in those matters, and must designate the name and address of a person upon whom service may be made if the petition is granted. A party to the formal hearing may file an answer to a petition within five days after the petition is filed.

(b) A petition to intervene must be filed within ten days after notice of formal hearing is issued.

(c) Intervention may be limited to particular matters or to particular times in the hearing if necessary to prevent repetitious evidence and argument or to control the course of the formal hearing.

(d) If the administrative law judge denies a petition in whole or part, the

petitioner may appeal to the Commandant by filing notice of appeal within seven days after the denial is issued. A brief may be filed with the notice of appeal. A party may file a brief in support of or in opposition to the appeal within seven days after the notice of appeal is filed.

§ 148.265 A person not a party.

(a) At any time before a formal hearing, any person who is not a party may submit to the administrative law judge a petition to present evidence at the formal hearing. The petition must be sent to the administrative law judge or to the clerk who will forward it to the administrative law judge. The petition must contain a statement describing in detail the evidence to be presented and must show its relevancy to factual issues listed in the notice of formal hearing.

(b) If a petition is granted, the ruling delineates the evidence that may be presented at the formal hearing.

§ 148.267 Appearance and practice.

(a) Each party to a formal hearing, except an individual, must appear by his attorney. Each attorney must file a notice of appearance that states his name, address, telephone number, and the name of the person he represents. With his notice of appearance, each attorney must file a written authorization from his client.

(b) Each attorney representing a person in a proceeding must be admitted, and be in good standing, to practice before a court of the United States or the highest court of any State, territory or possession of the United States.

(c) The administrative law judge assigned to the formal hearing may suspend or bar an attorney from representing a person in the proceeding if he finds that the attorney has failed to conform to the standards of conduct required for attorneys in the Courts of the United States.

(d) The administrative law judge may exclude any person from a formal hearing or a conference if the person is contumacious at the hearing or conference.

§ 148.269 Requirements for documents.

(a) Each document, except an application, filed in a proceeding or submitted to the administrative law judge must:

(1) List the docket number of the proceeding; and

(2) Be signed in ink by the person filing or submitting the document and show the capacity of the person signing, his address, and the date of signing.

(b) Each document filed in a proceeding, except an application, must:

(1) Be accompanied by ten copies of the document;

(2) Show the name and address of each person upon whom a copy of the document has been served;

(3) Be accompanied by an affidavit showing proof of service if the person serving the process is not an attorney; and

(4) Contain the following certificate of service if the person serving the process is an attorney:

I hereby certify that I have this day served the foregoing document upon _____ in accordance with 33 CFR 148.275.

Dated at _____ this _____ day of _____, 19____.

Signature

For _____

Name of Party or Petitioner

§ 148.271 Subscription.

The signature on a document filed, served, or submitted to the administrative law judge in a proceeding is certification by the person signing that he has full authority to sign the document, that he has read it and knows its contents, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay.

§ 148.273 Filing.

(a) A document is filed in a proceeding when it meets the requirements in § 148.269 and is deposited in the mail or, if not mailed, is received by the clerk.

§ 148.275

(b) If the clerk receives a document that does not comply with § 148.269 he returns it to the person who submitted it with a statement of reasons for the return.

(c) Filing by mail must be by certified mail.

§ 148.275 Service of document: other transmittal.

(a) The clerk serves each order, ruling, decision, and notice upon all parties to a formal hearing when issued, except a document issued, at the formal hearing or a prehearing conference.

(b) Each document before it is filed in a proceeding must be served upon:

(1) All parties, except the person filing the document; and

(2) The administrative law judge or if no administrative law judge has jurisdiction, the Commandant.

(c) Service of a document upon a party must be made upon the attorney representing the party or, for a party not represented by an attorney, upon the party.

(d) Service must be made by handing a copy of the document to the person to be served or depositing a copy of the document in the mail.

(e) This section does not apply to service of subpoenas. Rules for serving subpoenas are in § 148.281.

(f) The clerk mails to a person who is not a party, and who has submitted a petition or motion in the proceeding, a copy of the ruling on the petition or motion when issued and a copy of the action taken on any appeal of the petition. He mails a copy of the notice of the formal hearing, when the notice is issued, to each person whose petition to present evidence has been granted under § 148.265.

(g) The clerk provides the applicants and the administrative law judge with a copy of each application and report of public hearing docketed in the proceeding.

§ 148.277 Conferences.

(a) The administrative law judge may hold one or more prehearing conferences to give the parties an opportunity to present and consider facts and arguments, to exchange exhibits proposed to be offered in evidence,

and to obtain stipulations, admissions, and agreements to produce documents and other tangible things. The administrative law judge may consider at a conference the procedure to be followed at the formal hearing, limitations on the number of witnesses at the hearing, and any other matters that may expedite the disposition of the proceeding.

(b) The administrative law judge may hold conferences during a formal hearing to expedite the disposition of the proceeding.

(c) If a prehearing conference is held, the administrative law judge issues a notice reciting the action taken at the conference and any agreements made between the parties.

§ 148.279 Motions.

(a) Any request for a ruling or relief in a proceeding, except a request for a subpoena or a petition to intervene or present evidence at a formal hearing, must be submitted by motion. Each motion must be addressed to the administrative law judge, state the ruling or relief sought and the grounds therefor, and be accompanied, if appropriate, by a proposed order. Each written motion must be filed. An oral motion may be made only at the formal hearing or a conference.

(b) Within seven days after service of a written motion, a party may file an answer supporting or opposing the motion.

(c) Unless otherwise authorized by the administrative law judge, no oral argument is heard on a written motion. A brief may be filed with a written motion or an answer to a written motion.

(d) The administrative law judge issues a ruling and any appropriate order for each motion made.

(e) Except as otherwise provided in §§ 148.253 and 148.263, a ruling of the administrative law judge on a motion may not be appealed to the Commandant. The administrative law judge may refer any ruling to the Commandant for review if he determines that the ruling involves an important question of law or policy.

§ 148.281 Subpoena.

(a) At any time before a formal hearing is completed, a party may submit a request to the administrative law judge for issuance of a subpoena. A request for issuance of a subpoena must show the general relevance and scope of the evidence sought.

(b) A proposed subpoena and fifteen copies, and witness fees for one day and mileage, must be submitted with each request. A proposed subpoena must contain:

(1) The docket number of the proceeding;

(2) The captions "Department of Transportation," "Coast Guard," and "Licensing of Deepwater Port for coastal waters off (insert name of the coastal state closest to the proposed deepwater port and the docket number of the proceeding)";

(3) The name and office of the administrative law judge;

(4) A statement commanding the person to whom the subpoena is directed to attend the formal hearing and give testimony or, for a subpoena to produce documentary evidence, a statement commanding the person to produce designated documents, books, papers, or other tangible things at a designated time or place; and

(5) Explanation of the procedure in § 148.279 and paragraph (e) of this section for quashing a subpoena.

(c) Unless otherwise authorized by the administrative law judge, a subpoena must be served in accordance with Rule 45 of the Federal Rules of Civil Procedure.

(d) A subpoenaed witness is paid the same fees and mileage paid to witnesses subpoenaed in District Courts of the United States. The person requesting a subpoena must pay the fees and mileage.

(e) Any motion to quash a subpoena must be submitted within seven days after service of the subpoena.

(f) If a person does not comply with a subpoena and the administrative law judge on motion rules that good cause has been shown for seeking judicial enforcement of a subpoena, he refers his ruling to the Commandant.

§ 148.283 Hearing date.

(a) The administrative law judge schedules the formal hearing by issuing a notice to the parties.

(b) The clerk mails or delivers a copy of the notice to any person who requests it.

§ 148.285 Reporter: transcript; corrections.

(a) The reporter for a formal hearing is arranged for by the clerk. The reporter prepares a verbatim transcript of the hearing under the supervision of the administrative law judge. Nothing may be deleted from the transcript unless ordered by the administrative law judge and noted in the transcript.

(b) After a formal hearing is completed, the administrative law judge certifies and forwards the transcript to the clerk for docketing.

(c) At any time within 20 days after the transcript is docketed, the administrative law judge may make corrections to the certified transcript. Corrections when filed are attached to the transcript as appendices. Any motion to correct the transcript must be submitted within ten days after the transcript is docketed.

§ 148.287 Order of procedure.

The administrative law judge determines the order of procedure for each formal hearing.

§ 148.289 Evidence.

A party may present evidence and conduct cross-examination of witnesses at a formal hearing. Other persons may present evidence that they have been authorized to present under § 148.265.

§ 148.291 Rulings referred or appealed to the Commandant.

(a) The Commandant reviews each ruling referred or appealed to him under this subpart and issues a ruling and any appropriate order. Unless otherwise ordered by the Commandant or the administrative law judge, review of a ruling does not stay a formal hearing or extend a time period prescribed by this subpart.

(b) If the administrative law judge refers a ruling to the Commandant, he

gives notice to the parties of the referral.

APPLICATION APPROVAL OR DENIAL

§ 148.321 Decision process generally.

(a) During the 45-day period immediately following the completion of the final public hearing on a proposed deepwater port license for a designated application area, opportunity is provided for the various Federal departments and agencies having expertise concerning, or jurisdiction over, any aspect of ownership, construction, or operation of deepwater ports or having a duty under the Act with respect thereto and the Governor of each adjacent coastal State to formulate and transmit to the Secretary their determinations, recommendations, opinions and approvals or disapprovals, as the case may be.

(b) Within 45 days after the expiration of the 45-day period described in paragraph (a) of this section, the Secretary approves or denies each application for a deepwater port license in the designated application area.

§ 148.323 Criteria and considerations.

(a) The Secretary approves an application only after he determines that:

(1) The applicant is financially responsible and will carry insurance or give evidence of other financial responsibility in the amount of \$50,000,000 to cover the clean-up costs and damages that could result from a discharge of oil from the deepwater port concerned or from a vessel moored at the deepwater port;

(2) The applicant can and will comply with applicable laws, regulations, and license conditions;

(3) The construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality;

(4) The deepwater port will not unreasonably interfere with international navigation or other reasonable uses of the high seas, as defined by treaty, convention, or customary international law;

(5) In accordance with the environmental review criteria set forth in Appendix A to this part, that the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology, so as to prevent or minimize adverse impact on the marine environment; and

(6) The adjacent coastal State to which the deepwater port concerned is to be connected by pipeline, has developed, or is making, at the time the application was submitted, reasonable progress toward developing an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972 in the area to be directly and primarily impacted by land and water development in the coastal zone resulting from the deepwater port or is receiving a planning grant under section 305 of the Coastal Zone Management Act.

(b) In deciding whether to approve or deny an application and in making the related preliminary determinations specified in paragraph (a) of this section, the Secretary considers:

(1) The information set forth in the application concerned and any other applications for licenses for the same application area submitted in accordance with section 5(d)(3) of the Act;

(2) The information developed during hearings held pursuant to §§ 148.231 through 148.291;

(3) The final environmental impact statement for the application area concerned;

(4) The views of the Secretary of the Army, the Secretary of State, and the Secretary of Defense on the adequacy of the application and its effects on programs within their respective jurisdictions;

(5) The views and recommendations of the heads of any other Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the ownership, construction or operation of deepwater ports and

(6) The opinions of the Federal Trade Commission and the Attorney General as to whether issuance of the license would adversely affect competition, restrain trade, promote monopoly

lization or otherwise create a situation in contravention of the antitrust laws.

(c) The Secretary does not approve an application if, within the 45-day period immediately following the completion of the final public hearing:

(1) The Administrator of the Environmental Protection Agency determines that the proposed deepwater port will not conform with all applicable provisions of the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, or the Marine Protection, Research and Sanctuaries Act, as amended; or

(2) The Governor of an adjacent coastal State disapproves the issuance of the license.

§ 148.325 Multiple applications.

(a) Except as provided in paragraph (b) of this section, in the case of more than one application for a deepwater port license in a designated application area, only one application may be approved according to the following order of priorities:

(1) An applicant that is an adjacent coastal State (or combination of States), any political subdivision thereof or agency or instrumentality, including a wholly owned corporation thereof.

(2) An applicant who is not:

(i) Engaged in producing, refining, or marketing oil;

(ii) An affiliate of any person who is engaged in producing, refining or marketing oil; or

(iii) An affiliate of such an affiliate.

(3) Any other applicant.

(b) Notwithstanding the order of priorities listed in paragraph (a) of this section, if the Secretary determines that one of the proposed deepwater ports will clearly best serve the national interest, he may approve the application for that port. In making this determination, the Secretary considers:

(1) The degree to which the proposed deepwater ports affect the environment as determined under the review criteria set forth in Appendix A to this part;

(2) Any significant differences between anticipated completion dates for the proposed deepwater ports; and

(3) Any differences in costs of construction and operation of the proposed deepwater ports to the extent that such differential may significantly affect the ultimate cost of oil to the consumer.

§ 148.327 Termination of proceeding before approval or denial of an application.

The Commandant terminates a proceeding if:

(a) All applications are withdrawn before the decision approving or denying them is issued; or

(b) In a proceeding with one application that does not have all of the information required by Subpart B of this part, the applicant after inquiry by the application staff does not provide adequate assurance that further information to make the application is forthcoming.

Subpart D—Issuance of a License

§ 148.400 Applicability.

This subpart prescribes rules that apply to the issuance of a license under the Act.

§ 148.403 Issuance of a license.

If an application under the Act is approved, a license is issued containing the following:

(a) The name and number or identification of the port.

(b) The name of the owner and operator of the port.

(c) Conditions to the ownership, construction, and operation of the deepwater port issued under section 4(e) of the Act.

§ 148.405 Term of license.

Each license is issued for a term of 20 years, unless a shorter period is requested in the application.

§ 148.407 Consultation with adjacent coastal States.

(a) The Governor of an adjacent coastal State may consult with the application staff concerning license conditions that the application staff may have under consideration.

(b) If the Governor of an adjacent coastal State notifies the Secretary

that an application, which would otherwise be approved in a proceeding, is inconsistent with State programs relating to environmental protection, land and water use, or coastal zone management, the notification should include a description of:

- (1) The State's environmental protection, land or water use, or coastal zone management program with which the application is inconsistent and how the application is inconsistent; and
- (2) Conditions that if imposed on the license would make it consistent with the State program.

Subpart E—Site Evaluation

SOURCE: CGD 75-194, 41 FR 16800, Apr. 22, 1976, unless otherwise noted.

§ 148.501 Purpose.

(a) This subpart prescribes requirements for site evaluation and preconstruction testing at potential deepwater port locations.

(b) For the purpose of this subpart, "site evaluation and preconstruction testing" means all field studies performed at potential deepwater port locations, including:

- (1) Preliminary studies to determine site feasibility;
- (2) Detailed studies of the topographic and geologic structure of the ocean bottom to determine its ability to support offshore structures and appurtenances; and
- (3) Studies involved with the preparation of the environmental analysis required under § 148.109(t).

§ 148.503 Notice of proposed site evaluation activities.

(a) Any person desiring to conduct site evaluation and preconstruction testing at potential deepwater port sites must submit a written notice to the Commandant (G-M), U.S. Coast Guard, Washington, DC 20593, at least 10 days before the commencement of any activities.

(b) The written notice of proposed site evaluations and preconstruction testing at potential deepwater port locations must include the following:

(1) The identification of persons or agencies participating in the proposed activities.

(2) The type of activities and the manner in which they will be conducted.

(3) Chartlets showing the location where the proposed activities are to be conducted and locations of all offshore structures, including pipelines and cables, in or near the area of proposed activity.

(4) The specific purpose of the activities.

(5) The dates on which the activities will be commenced and completed.

(6) Available environmental data on the environmental consequences of the activities.

(7) A preliminary report, based on existing data, of the historic and archeological significance of the area where the proposed activities are to take place, including a report of each contact made with any appropriate State liaison officer for historic preservation.

(c) For the activities listed below, because they are not usually harmful to the environment, the notice need contain only the information required in paragraphs (b)(1), (2), and (5) of this section, as well as a general indication of the proposed location and purpose of the activities:

(1) Gravity and magnetometric measurements.

(2) Bottom and sub-bottom acoustic profiling without the use of explosives.

(3) Sediment sampling of a limited nature using either core or grab samplers if geological profiles indicate no discontinuities that may have archeological significance.

(4) Water and biotic sampling, if the sampling does not adversely affect shellfish beds, marine mammals, or an endangered species, or if permitted by another Federal agency.

(5) Meteorological measurements, including the setting of instruments.

(6) Hydrographic and oceanographic measurements, including the setting of instruments.

(7) Small diameter core sampling to determine foundation conditions.

(d) The Coast Guard advises and coordinates with appropriate Federal

agencies and States concerning activities under this subpart.

(e) If necessary, the Coast Guard requires additional information in individual cases.

[CGD 75-194, 41 FR 16800, Apr. 22, 1976, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§ 148.506 General conditions of performance.

(a) No person may conduct activities to which this subpart applies except in compliance with the regulations in this subpart and all other applicable laws and regulations.

(b) A separate written notice is required for each site.

(c) Measures must be taken to prevent or minimize the effect of those activities that may:

(1) Adversely affect the environment;

(2) Interfere with authorized uses of the Outer Continental Shelf or navigable waters; or

(3) Pose a threat to human health and welfare.

§ 148.507 Reports.

Each person conducting site evaluation and preconstruction testing at potential deepwater port locations shall:

(a) Notify the Coast Guard of any evidence of objects of cultural, historical, or archeological significance immediately upon their discovery;

(b) Notify the Coast Guard immediately of any:

(1) Adverse effects on the environment;

(2) Interference with Authorized uses of the Outer Continental Shelf;

(3) Threat to human health and welfare; and

(4) Adverse effects on any site, structure, or object of potential historical or archeological significance; and

(c) Submit a preliminary written report to the Coast Guard within 30 days after the completion of activity that contains, as reasonably available at that time:

(1) A narrative description of the activities performed;

(2) Charts, maps, or plats for the area where the activities were conducted and referencing the narrative

description required in paragraph (c)(1) of this section;

(3) The dates on which the activities were performed;

(4) Information on any adverse effects on the environment, other uses of the area where the activities were conducted, human health or welfare, or any site, structure, or object of potential historical or archeological significance;

(5) Data on the historical or archeological significance of the area where the activities were conducted, including the report of an underwater archeologist, if physical data indicate the need for such expertise as related to the activities undertaken; and

(6) Any additional information that may be required by the Coast Guard; and

(d) Submit to the Coast Guard within 120 days after the completion of activity a final detailed report that contains all the data required in paragraph (c) of this section that was not included in the preliminary report.

§ 148.509 Suspension and prohibition of activities.

(a) The Commandant may order, either in writing or orally with written confirmation, the immediate suspension, for a period not to exceed 30 days, of any site evaluation activity when, in his judgment, such activity threatens immediate, serious, and irreparable harm to human life, biota, property, cultural resources, any valuable mineral deposits, or the environment. During any suspension the Coast Guard will consult with the sponsor of the activity suspended concerning appropriate measures to remove the cause for suspension. A suspension may be rescinded at any time upon presentation of satisfactory assurance by the sponsor that the activity no longer adversely threatens the quality of the human environment.

(b) The Commandant may prohibit those activities that:

(1) Are suspended under paragraph (a) of this section, if the cause for suspension is not or cannot be removed;

(2) Threaten immediate, serious, and irreparable harm to life, including

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biota, property, cultural resources, any valuable mineral deposits, or the environment;

(3) Violate the requirements of this subpart; or

(4) Are otherwise inconsistent with the purposes of the Act.

Subpart F—Procedure for Exemption From Any Requirement in Deepwater Port Regulations

§ 148.601 Applicability.

This subpart sets forth the procedures governing exemptions from any requirement in this Part 148, Parts 149 and 150.

§ 148.603 Petition for exemption.

(a) Any person required to comply with any specific requirements in Part 148, Parts 149 and 150 may submit a petition to the Commandant for an exemption.

(b) A petition for exemption must be submitted in writing. It may be in any form, but it must be specific and it must contain all data necessary to evaluate its merits.

§ 148.605 Coordination with states.

A petition for exemption under this subchapter that appears to involve the interests of an adjacent coastal State will be referred to the Governor of that State for consideration and recommendation.

§ 148.607 Exemption criteria.

The Commandant grants an exemption if he determines that:

(a) Compliance with the regulations would be contrary to the public interest;

(b) Compliance would not enhance safety or the environment;

(c) Compliance is not practical because of local conditions or because the materials or personnel needed for compliance are unavailable;

(d) National defense or national economy justify a departure from the rules; or

(e) The alternative proposed in the petition would:

(1) Ensure comparable or greater safety; environmental protection; and

quality of construction, maintenance and operation of a deepwater port; and

(2) Would be consistent with recognized principles of international law.

APPENDIX A—ENVIRONMENTAL REVIEW CRITERIA FOR DEEPWATER PORTS

I. Authority. The Deepwater Port Act of 1974, Pub. L. 93-627 (33 USC 1501 et seq.), authorizes the Secretary of Transportation to issue, transfer, amend, or renew a license for the ownership, construction, and operation of a deepwater port. Section 6 of the Act requires the Secretary to establish environmental review criteria which shall be used to evaluate a deepwater port as proposed in an application for a license. By amendment of Part 1 of Title 49, Code of Federal Regulations (49 CFR 1.46(t)), dated April 25, 1975, the Secretary delegated to the Commandant of the Coast Guard the responsibility to establish such criteria (49 FR 20088-20089). (49 CFR 1.46(t) is presently redesignated as 49 CFR 1.46(s) (49 FR 43901-43906)).

Section 6 of the Act reads as follows:

Sec. 6. (a) The Secretary, in accordance with the recommendations of the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration and after consultation with any other Federal departments and agencies having jurisdiction over any aspect of the construction or operation of a deepwater port, shall establish, as soon as practicable after the date of enactment of this Act, environmental review criteria consistent with the National Environmental Policy Act. Such criteria shall be used to evaluate a deepwater port as proposed in an application, including:

(1) the effect on the marine environment;

(2) the effect on oceanographic currents and wave patterns;

(3) the effect on alternate uses of the oceans and navigable waters, such as scientific study, fishing, and exploitation of other living and nonliving resources;

(4) the potential dangers to a deepwater port from waves, winds, weather, and geological conditions, and the steps which can be taken to protect against or minimize such dangers;

(5) effects of land-based developments related to deepwater port development;

(6) the effect on human health and welfare; and

(7) such other considerations as the Secretary deems necessary or appropriate.

(b) The Secretary shall periodically review and, whenever necessary, revise in the same manner as originally developed, criteria

established pursuant to subsection (a) of this section.

(c) Criteria established pursuant to this section shall be developed concurrently with the regulations in section 5(a) of this Act and in accordance with the provisions of that subsection.

II. Purpose. A. Environmental review criteria shall be used to evaluate a deepwater port as proposed in an application for a license to own, construct and operate a deepwater port. The criteria shall be consistent with the National Environmental Policy Act, Pub. L. 91-190 (42 USC 4321 et seq.), which declares a national environmental policy. The Secretary of Transportation may issue a license in accordance with the provisions of the Act if, among other things, he determines:

—that the construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality; and

—in accordance with the environmental review criteria established pursuant to section 6 of the Act, that the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology to prevent or minimize adverse impact on the environment. (Sections 4(c)(3) & (5) of the Act.)

These criteria are therefore intended to be used to evaluate the environmental soundness of a proposed deepwater port and to serve as basic guidelines for determining what environmental impacts could result from deepwater port development and the procedures and technology which can be used to prevent or minimize adverse impacts.

B. In accordance with section 5(f) of the Act, these criteria shall also be considered in the preparation of a single, detailed environmental impact statement for all timely applications covering a single application area. Additionally, section 5(i)(3) of the Act specifies that, in the event more than one application is submitted for an application area, the criteria shall be used, among other factors, in determining whether any one proposed deepwater port clearly best serves the national interest.

III. Environmental review criteria. The environmental review of a proposed deepwater port consists of two parts. The first part involves assessment of the probable negative and positive environmental impacts which will result from construction and operation of the port. The second part appraises the effort made by the applicant to prevent or minimize adverse environmental effects. Guidelines for such an effort are set forth and will be closely considered in the review.

The overall intent of this review is to arrive at a comprehensive evaluation of the significance of the discrete and cumulative environmental impacts, adverse and beneficial, of the project as proposed and to determine whether or not the applicant has demonstrated that the deepwater port will be constructed and operated using the best available technology, so as to prevent or minimize adverse impact on the marine environment.

A. The proposed deepwater port will be evaluated to assess the magnitude and importance of its probable negative and positive environmental impacts. This review will include comparison with reasonable alternative actions, such as: the no-action case (alternative transportation schemes for imported oil); alternative sites, designs, and systems; and other deepwater ports. The information necessary for such an evaluation will be provided by the Federal Environmental Impact Statement and other sources as necessary. A picture of the relative net environmental impact of the proposed project should be obtained. Also, identification of actions which might be taken with respect to procedures and technology to prevent or minimize probable adverse effects will be made. The following are the primary areas of concern:

1. *The Effect on the Marine Environment:* (NOTE: The term "marine environment" includes the navigable waters (including the lands therein and thereunder) and the adjacent shorelines (including the waters therein and thereunder); transitional and intertidal areas, bays, lagoons, salt marshes, estuaries, beaches, waters of the contiguous zone, waters of the high seas; the fish, wildlife and other living resources thereof; and the recreational and scenic values of such lands, waters and resources.)

a. The potential effects of surface and bottom disturbances and increased turbidity both directly on ecological habitats and on the life stages of biological populations and indirectly on such habitats and populations through modifications of the physical, geological, and/or chemical environment.

b. The potential effects of pollutants, especially oil, on ecological habitats and the life stages of biota.

c. The potential effects on threatened or endangered species and on ecosystems.

2. *The Effect on Oceanographic Currents and Wave Patterns:*

a. The potential primary effects of construction and operation on,

- i. surface, midwater and bottom currents,
- ii. waves,
- iii. tides and tidal currents, especially in constricted coastal areas and estuaries,
- iv. ice;

b. The potential secondary impacts of changes to current and wave patterns on

sand and sediment transport, turbidity, beach processes, salinity and sedimentation rates resulting from changes to current, wave and tide patterns; and, the resulting impacts on biological systems, on shorelines and beaches, and on their alternate uses.

3. The Effects on Alternate Uses of the Oceans and Navigable Waters:

- a. Scientific study;
- b. Fishing (commercial and recreational);
- c. Exploitation of other living and non-living resources;
- d. Sanctuary maintenance;
- e. Recreation;
- f. Approved costal zone management plans;
- g. Power generation;
- h. Transportation;
- i. Other commercial, industrial or public uses and the national defense.

4. The Potential Environmental Dangers to a Deepwater Port:

- a. From waves, winds, weather, and geological conditions;
- b. The steps which can be taken to minimize such dangers with respect to,
 - i. siting,
 - ii. design,
 - iii. construction,
 - iv. operations and procedures.

5. The Effects of Land-Based Developments Related to Deepwater Port Development on:

- a. Stream and river flow, ground and surface water quality and supplies;
- b. Marine water quality;
- c. Air quality;
- d. Alternate land and water uses,
 - i. wetlands,
 - ii. habitats,
 - iii. nurseries,
 - iv. recreation,
 - v. wilderness, preserves, and wild and scenic rivers,
 - vi. existing and proposed sanctuaries,
 - vii. historical and cultural areas,
 - viii. open and green space,
 - ix. agricultural and grazing,
 - x. residential and commercial,
 - xi. industrial,
 - xii. transportation,
 - xiii. power generation and transmission,
 - xiv. others.

6. The Effect on Human Health and Welfare:

- a. Health:
 - i. the physiological effects of reduced or altered air and water quality or supply, of altered or increased noise levels or quality, of altered community density, etc., and the psychological effects of the above;
 - ii. the risk of human safety and life posed by a proposed project.
- b. Welfare—the ultimate effects of dynamic economic and social change inflicted directly or induced upon the relevant communities, including but not limited to the

projected changes in employment, population density, housing and public services, and tax base.

B. In this second part, the proposed project will be appraised for the effort made to prevent or minimize the probable adverse impacts on the environment. This appraisal is primarily concerned with the project as proposed and alternatives are relevant only insofar as they may represent a spectrum of possible actions against which the proposal will be judged. Areas of concern are: siting, design, construction, and operation; and land use and coastal zone management. Specifically, the review will consider the degree of adherence to the following guidelines:

1. *Siting*—A proposed deepwater port should be sited in an optimum location in order to prevent or minimize possibly detrimental environmental effects. For example:

a. The deepwater port and all its components, including receiving terminals, inland transportation facilities and stations, and land use and service facilities, and pipeline, should occupy the minimum space necessary for safe and efficient operation and should be located, as much as possible, in areas in which permanent alteration of wetlands is not necessary. Buffer zones should be provided to separate onshore facilities from incompatible adjacent land uses.

b. The deepwater port facility and its offshore components should be located in areas which have stable sea-bottom characteristics and, its onshore components should be located in areas in which a stable foundation can be developed and flood protection levees, if appropriate, can be constructed.

c. The deepwater port facility should be located in an area where existing offshore structures and activities will not interfere with its safe operation, and where the facility or navigation to and from that facility will not interfere with the safe operation of existing offshore structures. Water depths and currents in and around the deepwater port and its approaches should pose no undue hazard to safe navigation. Extensive dredging or removal of natural obstacles such as reefs, should be avoided. The siting procedure should select an area where projected weather, wave conditions, and seismic activity minimize the probability that damage will occur to the deepwater port, tankers, pipeline, and component shoreland facilities from storms, earthquakes, or other natural hazards.

d. Selection of sites should maximize the permitted use of existing work areas, facilities and access routes for construction and operations activities. Where temporary work areas, facilities, or access routes may be used, they should be to the fullest extent possible, designed and constructed in such manner to permit restoration to the previous

struction environmental conditions or better.

e. The deepwater port facility, navigational fairway(s) and pipelines should be sited where the interactions of facilities' requirements and natural environment are optimized to prevent adverse impacts or to produce minimal, acceptably low adverse effects. Key factors in assessments should include (but not necessarily be limited to) projected winds, waves, current, spill size and frequency, cleanup capability, shoreline/estuarine/bay sensitivity; biological resources, damage potential and recovery rate; facility design; and project economics.

f. The deepwater port, pipeline, and attendant facilities should be located as far as practicable from the vicinity of critical habitats for biota, including but not limited to commercial and sports fisheries and threatened and endangered species.

g. Sites should reflect negligible displacement of existing or potentially important uses such as the following:

- i. fisheries,
- ii. recreation,
- iii. mining,
- iv. oil and gas production,
- v. transportation.

h. Siting should favor areas already allocated for similar use and the implications of density of such uses.

i. port facilities—existing tanker and barge traffic—existing ports which can be used for service vessels.

ii. pipelines—use of existing corridors.

iii. secondary facilities—use of (or expansion of) existing storage, refinery, and other support facilities.

iv. construction facilities—use of existing equipment and personnel staging yards.

i. The deepwater port, pipelines and other offshore facilities should be sited so as to not permanently interfere with the natural littoral process or to alter significantly any tidal pass or other part of the physical environment important to natural currents and wave patterns.

j. Pipelines, or other deepwater port components or facilities requiring dredging, should not be located where sediments with high levels of heavy metals, biocides, oil, or other pollutants or hazardous materials exist.

2. *Design, Construction and Operation*—Selection of design and procedures for construction and operation of a deepwater port must reflect use of best available technology. For example:

a. All oil transfer, transportation, and storage facilities, systems and equipment should include appropriate safeguards and backup systems and/or be operated under procedures to minimize both the possibility of pollution incidents resulting from personnel and equipment failures, natural calamities and casualties, such as tanker collisions

or groundings, and the adverse effects of those pollution incidents which occur. These facilities, systems, and equipment, should be designed to permit safe operation, including appropriate safety margins, under maximum operating loads and the most adverse operating conditions to which each may be subjected.

b. All facilities should be provided with a safe, environmentally sound method for the collection, storage, and disposal of solid and liquid wastes generated by such facilities. When prescribed by law or regulation, the deepwater port may be required to be fitted with additional facilities for the collection and treatment of ship-generated liquid and solid wastes, such as oily bilge and oily ballast water, tank cleaning residues, sludge wastes, and sewage and garbage.

c. The proposed project should be designed, constructed and operated so as not to interfere permanently with natural littoral processes or other significant aspects of currents and wave patterns. Additionally, harmful erosion or accretion, both onshore and offshore, should be prevented. Groundwater drawdown or saltwater intrusion should not be permitted. Moreover, mixing of salt, brackish, and fresh waters should be minimized. Designs should not include factors which will disrupt natural sheetflow, water flow, and drainage patterns or systems.

d. The proposed project should not interfere with biotic populations. Potential effects on breeding habitats or migration routes should receive particular attention.

e. The proposed project should be designed, constructed and operated so as to make maximum feasible use of already existing local facilities such as roads, pipelines, docking facilities and communications facilities.

f. Disposal of spoil and refuse material should be effected only at disposal sites specifically selected and approved by competent authorities. Whenever and wherever possible, the proposal should provide for resource recovery, reclamation of affected areas, or enhancing uses of spoil and waste.

g. Personnel trained in oil spill prevention should be present at critical points at the deepwater port (as identified in the accident analysis). Personnel should also be trained in oil spill control to mitigate the effects of any spill which may occur.

3. *Land Use and Coastal Zone Management*—A deepwater port should not conflict with existing or planned land use including management of the coastal region. A measure of whether or not conflict exists will be made by the following means:

a. The proposed project should adhere closely to approved master plans or other plans of competent local or State authorities in designated adjacent coastal States or

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In other States where significant effects are likely to occur. A minimum of special exceptions or zoning variances should be required. Non-conforming uses should not be prolonged where reasonable alternatives are available.

b. The proposed project should conform with approved or planned coastal zone management programs of the relevant adjacent coastal States.

c. The proposed use of floodplains should not entail loss of wetlands nor should such use pose an undue risk of exposure of that use to flood damage, increase the potential need for Federal expenditures for flood protection or flood disaster relief, decrease the unique public value of the floodplains as an environmental resource, or provide an incentive for other uses of the floodplains having similar ultimate results.

(d) The use of or effect on wetlands should be considered in the following manner,

- i. uses permanently altering or adversely affecting wetlands are to be avoided, or
- ii. positive action must be taken to minimize adverse effects on wetlands.

ANNEX A

1. The following environmental criteria are expressly referred to in the Deepwater Port Act of 1974:

a. Compliance with the Clean Air Act (4(c)(6)).

b. Compliance with the Federal Water Pollution Control Act (4(c)(6)).

c. Compliance with the Marine Protection, Research and Sanctuaries Act (4(c)(6)).

d. Effect on the marine environment (6(a)(1)).

e. Effect on oceanographic currents and wave patterns (6(a)(2)).

f. Effect on alternate uses of the oceans and navigable water, such as scientific study, fishing, and exploitation of other living and nonliving resources (6(a)(3)).

g. The potential dangers to a deepwater port from waves, wind, weather and geological conditions, and the steps which can be taken to protect against or minimize such dangers (6(a)(4)).

h. Effects of land-based developments related to deepwater port development (6(a)(5)).

i. Effect on human health and welfare (6(a)(6)).

j. Consistency with adjacent coastal States' programs relating to environmental protection, land and water use, and coastal zone management (9(b)).

k. Development of an approved coastal zone management program pursuant to the Coastal Zone Management Act of 1972 in the area to be directly and primarily impacted by deepwater port land and water development in the coastal zone of that State

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directly connected by pipeline to the proposed deepwater port (9(c)).

1. Pursuant to section 102(c)(2) of the National Environmental Policy Act, prepare a single, detailed environmental impact statement for each application area (5(f)).

[COD 75-002, 40 FR 52553, Nov. 10, 1975; 40 FR 58143, Dec. 15, 1975]

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AUTHORITY: Secs. 5(a), 5(b), Pub. L. 93-627, 88 Stat. 2131 (33 U.S.C. 1504 (a), (b)); 49 CFR 1.46(s).

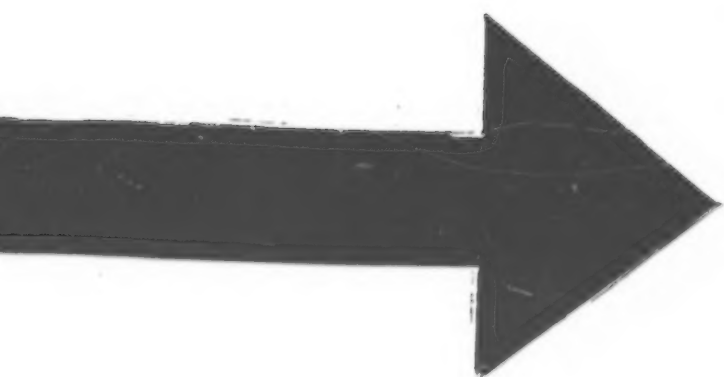
SOURCE: CGD 75-002, 40 FR 52565, Nov. 10, 1975, unless otherwise noted.

Subpart A—General

§ 149.101 Purpose.

This part describes design, construction, and equipment requirements for each deepwater port.





§ 149.105

§ 149.105 Licensee.

The licensee of a deepwater port shall ensure that the port meets the design and construction requirements in this part.

Subpart B—Design and Equipment; General

§ 149.201 Applicability.

This subpart prescribes requirements for design and equipment that apply to each deepwater port.

§ 149.203 Engineering drawings and specifications.

(a) The licensee of a deepwater port must submit to the Commandant (G-M) three copies of each construction drawing and specification necessary to show compliance with the requirements of the Act and the regulations in this subchapter, a list of all drawings, and each revision to a construction drawing and specification of each:

- (1) Fixed marine component; and
- (2) Floating marine component.

(b) Each construction drawing and specification, and each revision required to be submitted by paragraph (a) of this section must bear the seal, or a facsimile imprint of the seal of the registered professional engineer responsible for the accuracy and adequacy thereof.

(c) The Coast Guard reviews and evaluates construction drawings and specifications to ensure compliance with the Act and Subchapter NN. The licensee of a deepwater port may not begin construction, or installation of prefabricated components, until the applicable drawings and specifications are approved by the Commandant (G-M). The Coast Guard makes periodic inspections at the construction site and at component construction sites to ensure compliance with approved drawings and specifications. As used in this paragraph, the term "approved" means that each drawing or specification meets the requirements of the Act and the regulations in this subchapter.

(d) When construction or installation of each component is complete, the licensee of a deepwater port must submit two complete sets of record

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drawings and specifications on 105 mm negatives to the Commandant (G-M). Each negative must be:

- (1) Placed in a separate envelope, and
- (2) Identified and indexed.

[CGD 75-002, 40 FR 52565, Nov. 10, 1975, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§ 149.205 Design standards.

(a) Each fixed marine and floating component of a deepwater port, except hoses, mooring lines, and aids to navigation buoys, must be designed to withstand at least the combined wind, wave, and current forces of the most severe storm that can be expected to occur in any period of 100 years at the port.

NOTE: "Recommended Procedure for Developing Deepwater Ports Design Criteria" describes a method to prepare the wind, wave, and current criteria for use in determining the forces of the storm described by this paragraph. This guide may be obtained from the Commandant (G-M).

(b) Each platform must be designed in accordance with the American Petroleum Institute "Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms" (API RP 2A), and the codes and standards in API RP 2A, to the extent that the recommended practice, codes, and standards are consistent with this subchapter.

(c) Each electrical installation on a platform must be designed, to the extent practicable, in accordance with 46 CFR 110-113.

(d) Each boiler and pressure vessel on a platform must be designed in accordance with Sections I, IV, and VIII of the American Society of Mechanical Engineers "ASME Boiler and Pressure Vessel Code" to the extent that the code is consistent with this subchapter.

(e) Main oil transfer piping on a platform must be designed in accordance with the American National Standards Institute (ANSI B 31.4) Liquid Petroleum Transportation Piping Systems.

[CGD 75-002, 40 FR 52565, Nov. 10, 1975, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§ 149.206 Construction.

(a) The following walls or decks on a platform must meet the requirements in 46 CFR 92.07-5(b) for "A" class bulkheads, except that each wall or deck must be made of steel:

(1) Each wall or deck that separates a galley, a paint and lamp locker, a space housing emergency power generating equipment, or a machinery space from any other space.

(2) Each wall or deck of an interior stairway connecting enclosed spaces on three or more decks.

(3) Each wall or deck of an elevator shaft, of a dumbwaiter shaft, and of any other shaft connecting two or more enclosed spaces.

(b) The following walls or decks on a platform must meet the requirements in 46 CFR 92.07-5 (b) or (c) for "A" or "B" class bulkheads:

(1) Each corridor wall or deck of a personal accommodation space.

(2) Each wall or deck of a stairway that connects two decks or each wall or deck of a structure enclosing an opening to the stairway.

(c) A platform wall or deck that is not described in paragraph (a) or (b) of this section must meet the requirements in 46 CFR 92.07-5 (b), (c), or (d) for "A", "B", or "C" class bulkheads.

(d) Each deck and stairway on a platform must be made of steel and may have a deck covering.

(e) A space that is described in paragraphs (a)(2) or (a)(3) of this section must be enclosed by walls and decks.

(f) Each interior stairway that connects two enclosed spaces on a platform must be enclosed by walls and decks or an opening to the stairway must be enclosed by a structure.

(g) Each interior stairway that connects three or more decks on a platform must have access to each deck.

(h) Each opening in a wall or deck on a platform must have a closure that meets the requirements in this section for the wall or deck. Each door must:

(1) Be a self-closing type;

(2) Not have holdback hooks or other means of permanently holding the door open, except for magnetic holdbacks operated from a suitable remote control position; and

(3) Not have a louver or other opening, except that a door to a sleeping space may have a louver in the lower half of the door.

(i) Internal deck coverings, except those in washrooms and toilet spaces, must be of a type approved under 46 CFR Subpart 164.006. Overlays for leveling or finishing purposes which do not meet the requirements in 46 CFR Subpart 164.006 may be used in thicknesses not exceeding $\frac{1}{8}$ of an inch.

(j) Each ceiling, sheathing, furring, and insulation on a platform, must be a noncombustible material of a type that is approved under 46 CFR 164.009.

(k) The interior finish on each wall and ceiling in a corridor or hidden space on a platform must be a type that is approved under 46 CFR 164.012. Walls within a room may have a combustible veneer not to exceed $\frac{1}{8}$ inches in thickness.

(l) Nitrocellulose or other highly flammable or noxious fume-producing paints or lacquers may not be used.

§ 149.209 SPM's.

Each SPM must meet the "Rules for Building and Classing Single Point Moorings 1975" of the American Bureau of Shipping, to the extent that these Rules are consistent with this subchapter.

§ 149.211 Emergency equipment.

Each platform must have installed mountings for each item of:

(a) Lifesaving equipment; and

(b) Portable and semiportable fire fighting equipment.

§ 149.213 Helicopter fueling facilities.

Helicopter fueling facilities must comply with the requirements of the National Fire Protection Association, National Fire Code No. 407, Part VI "Fueling on Elevated Heliports". For the purpose of this section, "ground level" as used in the National Fire Code means "below the lowest platform working level".

§ 149.215

§ 149.215 Interference with helicopter operations.

Aids to navigation, communication, or radar equipment must be installed so as not to interfere with helicopter operations.

§ 149.217 First aid station.

Each PPC must have a first aid station that has an adjoining space for two beds.

Subpart C—Pollution Prevention Equipment

§ 149.301 Applicability.

This subpart prescribes requirements for pollution equipment that apply to each deepwater port.

§ 149.303 Overflow and relief valve.

(a) Each oil transfer system must include a relief valve, that, when activated, prevents pressure on any components of the OTS from exceeding maximum rated pressure.

(b) No oil transfer system overflow or relief valve may be installed so as to allow an oil discharge into the sea.

§ 149.305 Pipeline end manifold (PLEM) shutoff valve.

(a) Each pipeline end manifold (PLEM) at a single point mooring must have a shutoff valve.

(b) Each shutoff valve required by this section must be capable of operation from the Cargo Transfer Supervisor's normal place of duty.

(c) Each shutoff valve required by this section must be capable of manual operation.

§ 149.307 Blank flange and shutoff valve.

Each floating hose string must have a blank flange and a shutoff valve at the vessel manifold end.

§ 149.309 Manually operated shutoff valve.

Each oil transfer line passing through the SPM buoy must have a manual shutoff valve on the buoy.

§ 149.311 Malfunction detection system.

Each oil transfer system must have a system that can:

(a) Detect and locate all leaks and other malfunctions, between the PPC and the shore; and

(b) Be monitored at the Cargo Transfer Supervisor's normal place of duty.

§ 149.313 Oil transfer system alarm.

Each oil transfer system must have an alarm system to signal a malfunction or failure of the system that is—

(a) Capable of being activated at the Cargo Transfer Supervisor's normal place of duty;

(b) Audible in all parts of the PPC except in areas of high ambient noise levels where hearing protection is required under § 150.509(d) of this subchapter;

(c) Visible in areas of the PPC where hearing protection is required under § 150.509(d) of this subchapter by use of a high intensity flashing light; and

(d) Distinguishable from the general alarm.

§ 149.315 Marking of oil transfer system alarm.

(a) Each oil transfer alarm switch must be identified by the words "OIL TRANSFER ALARM" in red letters at least one inch high on a yellow background.

(b) Each audio and each visual oil transfer alarm signalling device under § 149.313 must have a sign with the words "OIL TRANSFER ALARM" in red letters at least one inch high on a yellow background.

§ 149.317 Communications equipment.

(a) Each deepwater port must have:

(1) A means that enables two-way voice communication among:

(i) The Cargo Transfer Supervisor;

(ii) The vessel's officer in charge of cargo transfer;

(iii) The Cargo Transfer Assistant;

(iv) The Port Superintendent;

(v) The master or person in charge of service craft operating at the deepwater port; and

(vi) The person in charge on the PPC;

(2) A means, which may be the communications system itself, that enables each of the persons listed in paragraph (a)(1) of this section to indicate

his desire to communicate with another of those persons; and

(3) Communications equipment and facilities that must meet the requirements of 47 CFR 81 and 83.*

(b) Each portable means of communication used to meet the requirements of this section must be:

(1) Certified under 46 CFR 111.80-5 to be operated in a Group D, Class 1, Division 1, Atmosphere; and

(2) Permanently marked with the certification required in paragraph (b)(1) of this section.

§ 149.319 Discharge containment and removal material, and equipment.

(a) Each deepwater port must have stored, on the pumping platform or a service craft operating at the deepwater port, oil discharge containment and removal material and equipment that, to the extent best available technology allows, can contain and remove an oil discharge of at least 10,000 U.S. gallons for offload-only ports, or 40,000 U.S. gallons for ports where on-loading operations are permitted pursuant to section 4(a)(3) of the Act.

(b) Each deepwater port must have readily accessible additional containment and removal material and equipment for containing and removing oil discharges larger than those specified in paragraph (a) of this section. For the purpose of this paragraph, access may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

(c) The type of discharge containment and removal material and equipment that best meets the requirements of paragraphs (a) and (b) of this section must be determined on the basis of:

(1) Oil handling rates of the deepwater port;

(2) Volume of oil susceptible to being spilled;

(3) Frequency of oil transfer operations at the deepwater port;

(4) Prevailing wind and sea state condition at the deepwater port;

(5) Age, capability, arrangement of, and the licensee's experience with the

oil transfer system equipment at the deepwater port; and

(6) Whether the discharge containment and removal material and equipment is shared, and the expected frequency of use and probability of availability.

§ 149.321 Special requirement for onloading ports.

Each deepwater port at which onloading operations are permitted, under section 4(a)(3) of the Act, must have a means for receiving oily residues from vessels.

Subpart D—Safety Equipment

§ 149.401 Applicability.

This subpart prescribes requirements for safety equipment that apply to each deepwater port.

§ 149.402 Equipment not required on a PPC.

Each item of lifesaving and fire fighting equipment on a PPC that is not required by this subpart must be approved under 46 CFR Part 160 or Part 162.

CURBS, GUTTERS, DRAINS, AND RESERVOIRS

§ 149.403 Curbs, gutters, drains, and reservoirs.

Each platform must have enough curbs, gutters, drains, and reservoirs to collect all of the following discharges and wastes in the reservoirs:

(a) All discharges from equipment, maintenance shops, and refueling facilities.

(b) All laboratory, sanitary, galley, and deck cleansing wastes, and similar wastes. Sanitary waste includes the waste from baths, showers, sinks, wash bowls, laundry, toilets and urinals.

EMERGENCY POWER

§ 149.411 Emergency power.

(a) Each PPC must have emergency power equipment to provide power to operate all of the following simultaneously for a continuous period of eight hours:

(1) Emergency lighting circuits.

*EDITORIAL NOTE See 51 FR 31213, Sept. 2, 1986.

§ 149.421

- (2) Aids to navigation equipment.
- (3) Communications equipment.
- (4) Radar equipment.
- (5) Alarm systems.
- (6) Electrically operated fire pumps.
- (7) Other electrical equipment designated in the Operations Manual by the licensee.
- (b) No emergency power generating equipment may be located in any enclosed space on a platform that contains oil transfer pumping equipment or other power generating equipment.

MEANS OF ESCAPE

§ 149.421 Means of escape from platform.

- (a) Each platform must have at least one fixed and one unfixed means of escape from the highest working level to the water level with an entry at each working level.
- (b) Each platform with living spaces must have at least two fixed means of escape from the highest level with living spaces to the water with an entry at each level below. If the highest level of the PPC contains living spaces, the two fixed means of escape required by this paragraph satisfy the requirements in paragraph (a) of this section.
- (c) Each platform must have at least one fixed or unfixed means of escape for every ten persons on board the platform, including the means of escape required under paragraphs (a) and (b) of this section.
- (d) When two or more fixed means of escape are installed, at least two must be as far from each other as practicable.
- (e) Each fixed means of escape required under this section must be a steel ladder or steel stairway.
- (f) Each unfixed means of escape required under this section must be:
 - (1) A portable ladder;
 - (2) A flexible ladder; or
 - (3) A knotted man rope.
- (g) Two exits must be provided from each space having over 300 square feet of floor area. Where practicable, the exits must give egress to different corridors, rooms, or spaces.
- (h) Exits must provide egress to the external means of escape required in this section. Dead end corridors may not be longer than 40 feet.

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§ 149.423 Means of escape from helicopter landing pad.

Each helicopter landing pad on the PPC must have at least two fixed means of escape that are independent of those required by § 149.421:

- (a) From the pad to the first working level below the pad or the water; and
- (b) As far from each other as practicable.

PERSONNEL LANDINGS

§ 149.431 Personnel landings.

Each PPC must have at least two personnel landings for access to the platform from the water unless:

- (a) Personnel landings are not possible because of the PPC design; and
- (b) The PPC has a personnel basket transfer system.

§ 149.433 Personnel landing illumination.

Each personnel landing must have at least 1 foot-candle of artificial illumination on its guard rails or fence and on its deck.

GUARDRAILS, FENCES, NETS, AND TOEBOARDS

§ 149.441 Open sided deck, deck opening, catwalk, and helicopter pad protection.

- (a) Each open sided deck, deck opening, and catwalk on each PPC must have protection that meets the "Safety Requirements for Floor and Wall Openings, Railings, and Toeboards" of the American National Standards Institute (ANSI A12.1), except each must have toeboards.
- (b) Each open side of each helicopter landing pad on the PPC must have:
 - (1) Safety net; or
 - (2) A lowered walkway that is 48 inches wide, is not more than 42 inches below the level of the pad, and has guard rails that meet the requirements of ANSI A12.1, except each must have toeboards.

FIXED FIRE MAIN SYSTEM FOR WATER

§ 149.451 Fixed fire main system for water.

Each PPC must have a fixed fire main system for water

§ 149.453 Fire pumps.

(a) Each PPC must have at least two independently driven fire pumps that can deliver two streams of water at a continuous pitot tube pressure of at least 75 p.s.i. at each fire hose nozzle.

(b) Each fire pump must have:

(1) A relief valve on its discharge side that is set to relieve at 25 p.s.i. in excess of the pressure necessary to meet the requirement in paragraph (a) of this section;

(2) A pressure gauge on its discharge side; and

(3) Its own water source.

(c) Fire pumps may only be connected to the fire main system.

§ 149.455 Fire pump location.

The fire pumps required by § 149.453(a) may not be located in the same space.

§ 149.457 Fire hydrants.

(a) Each part of the PPC that is accessible to any person, except machinery spaces, must have enough fire hydrants so that it can be sprayed with at least two spray patterns of water. At least one spray pattern of water must be from one length of hose.

(b) Each PPC must have enough fire hydrants so that each machinery space can be sprayed with at least two spray patterns of water from separate hydrants. Each spray pattern of water must be from one length of hose.

(c) A single length of fire hose, with nozzle attached, must be connected to each fire hydrant at all times.

§ 149.459 Fire hydrant outlet.

The outlet on each fire hydrant must not point above the horizontal.

§ 149.461 Fire hydrant and control valve shutoff valve.

Each fire hydrant and control valve must have a shutoff valve.

§ 149.463 Fire hydrant access.

Any equipment that is in the same space as a fire hydrant must not interfere with access to that hydrant.

§ 149.465 Spanner.

Each fire hydrant must have at least one spanner at the fire hydrant.

§ 149.467 Fire hose rack.

(a) Each PPC must have a hose rack at each hydrant.

(b) Each fire hose rack must be visible.

(c) Each fire hose rack in an exposed location must be protected from weather.

§ 149.469 Fire hose size.

Each length of fire hose must be:

(a) 1½ or 2½ inch nominal hose size diameter;

(b) 50 foot nominal hose size length; and

(c) Lined commercial fire hose that conforms to Underwriters Laboratories, Inc. Standard 19 or Federal specification ZZ-H-451D.

§ 149.471 Fire hose coupling.

Each fire hose coupling must:

(a) Be made of brass, bronze, or material that has strength and corrosion resistant properties at least equal to those of brass or bronze; and

(b) Have 9 threads per inch for 1½ inch hose or 7½ threads per inch for 2½ inch hose.

§ 149.473 Fire hose nozzle.

Each fire hose nozzle must be a combination solid stream and water spray fire hose nozzle that is approved under 46 CFR 162.027.

§ 149.477 Spray applicator.

Each PPC must have a low velocity spray applicator that is approved under 46 CFR 162.027 at each fire hydrant.

§ 149.479 International shore connection.

(a) The fixed fire main system of a PPC must have:

(1) At least two risers;

(2) A cutoff valve and check valve for each riser; and

(3) At least two international shore connections that meet the requirements in 46 CFR 162.034.

(b) Each riser must be in an accessible location to vessels alongside the PPC, and two of the risers must be on opposite sides of the PPC.

§ 149.481

OTHER FIRE EXTINGUISHING SYSTEMS

§ 149.481 Other fire extinguishing systems.

(a) Each PPC must have a manually or automatically operated fire extinguishing system in addition to the fire main system required under § 149.451 that is approved by the Commandant and meets the National Fire Protection Association standards listed in paragraph (e) of this section in the following locations:

- (1) Storerooms.
- (2) Workrooms containing flammable liquids.

- (3) Pump rooms.
- (4) Machinery spaces.

(b) Each halogenated agent or CO₂ system in a compartment smaller than 6,000 cubic feet, and each sprinkler system, must be automatic.

(c) Each halogenated agent or CO₂ system in a compartment larger than 6,000 cubic feet, and each foam system, must be manual.

(d) The systems selected must match the hazard to be protected as follows:

- (1) Storerooms must use water sprinklers or CO₂.

(2) Workrooms containing flammable liquids, pumprooms, and machinery spaces must use CO₂, halogenated agents, or high expansion foam.

(e) Each system required under paragraph (a) of this section must meet one of the following performance standards:

- (1) Water sprinkler system—NFPA No. 13.

- (2) Carbon dioxide system—NFPA No. 12.

- (3) Halogenated agent system—NFPA No. 12A.

- (4) Foam system—NFPA No. 11A.

(f) Arrangement requirements contained in 46 CFR 95.15-10, 15 and 20 must be complied with.

(g) Each system required under paragraph (a) of this section must activate the general alarm system when it operates.

(h) Spaces that are protected by a carbon dioxide system or halogenated agent system and are normally accessible to persons on board must be fitted with an approved audible alarm that sounds automatically 20 seconds before the extinguishing agent is admitted to the space. The alarm must

be conspicuously and centrally located.

(i) To the extent practicable, materials in each item of equipment required by paragraph (a) of this section must have resistance to the adverse effects of the marine environment.

§ 149.483 Fire fighting system for helicopter pads.

(a) Each PPC helicopter landing pad must have the following:

- (1) A fire extinguishing system designed to:

(i) Deliver a minimum of 200 g.p.m. of water at the pressure required to overcome friction in the piping and hose lines, and produce the nozzle discharge requirements in paragraph (a)(2)(ii) of this section for 15 minutes; and

(ii) Not interfere with the simultaneous operation of the fire main.

- (2) Shutoff type nozzles designed:

(i) For use with a foam concentrate listed or approved by a recognized testing agency for fire extinguishing agents;

(ii) To discharge water-foam concentrate solution or water fog at a rate of 100 g.p.m. at a pressure that will provide a foam discharge pattern at a 20 foot range with 15 foot width variable to a solid stream of foam with a minimum 50 foot range; and

(iii) To produce foam having a minimum expansion of eight, with a 25 percent drainage time of at least 5 minutes when protein base foam is used.

- (3) Nozzles located so as to provide complete coverage of the helicopter landing area.

- (4) A means of activating the general alarm system required by § 149.541.

(b) Aqueous film forming foam (AFFF) may be substituted for protein base foam. Generally, the quantity of water may be reduced by 30 percent from that specified for use with protein base foam. This reduction will be authorized by the Commandant on a case-by-case basis.

(c) Other extinguishing agents that would provide an equivalent fire fighting capability may be substituted with the approval of the Commandant.

FIRE DETECTION AND ALARM SYSTEMS

§ 149.491 Fire detection and alarm systems.

(a) Each PPC must have the following fire detection systems that activate the general alarm system:

(1) An ionization type automatic smoke detection system in each sleeping space.

(2) A combination fixed-temperature and rate-of-rise heat detector system in each non-sleeping space that does not have an automatic fire extinguishing system unless the space is subject to a 15°F or greater per minute rate of rise.

(3) A fixed-temperature detector system in each nonsleeping space that does not have an automatic fire extinguishing system and that is subject to a 15°F or greater per minute rate of rise.

(b) To the extent practicable, materials in each item of equipment required by this section must have resistance to the adverse effects of the marine environment.

PORTABLE AND SEMI-PORTABLE FIRE FIGHTING EQUIPMENT

§ 149.501 Portable and semiportable fire extinguishers.

(a) Each PPC must have portable or semiportable fire extinguishers that are approved by the Coast Guard under 46 CFR 162.028 or 162.039.

(b) Each semiportable fire extinguisher must be fitted with hose and nozzle or other apparatus so that the entire space in which the extinguisher is located may be protected.

§ 149.503 Location of extinguishers.

(a) Fire extinguishers must be installed in accordance with Table 145.10(a) in § 145.10 of this chapter.

(b) Each fire extinguisher must be located so it can easily be seen.

§ 149.505 Spare charges.

(a) Spare charges must be carried for at least 50 percent of each size and variety of hand portable fire extinguisher required in § 149.503. If an extinguisher is of such variety that it cannot be readily recharged by PPC personnel, one spare extinguisher of

the same classification must be carried in lieu of a spare charge.

(b) Spare charges must be packed to minimize the hazards to personnel while recharging extinguishers. Acid must be contained in a crown stopper type of bottle.

§ 149.507 Marking.

Each hand portable extinguisher and its station must be numbered in accordance with 46 CFR 97.37-23.

§ 149.511 Landing area with no fueling facility.

In addition to the requirements in § 149.483 of this subchapter each helicopter landing area on a PPC with no fueling facility must have at least two USCG type B:C, size IV dry chemical extinguishers.

§ 149.513 Landing area with a fueling facility.

In addition to the requirements in § 149.483 each helicopter landing area on the PPC with a fueling facility must have:

(a) At least two USCG Type B:C, size II dry chemical extinguishers and at least one USCG Type B:C, size V dry chemical extinguisher; and

(b) A USCG Type B:C, size II dry chemical extinguisher at the emergency control station.

§ 149.515 Fire axes.

(a) Each PPC must have at least 8 fire axes.

(b) Fire axes must be distributed so as to be readily available in an emergency.

(c) Each fire axe must be located:

- (1) In the open;
- (2) Behind glass; or
- (3) In an enclosure with a fire hose.

§ 149.517 Fireman's outfits.

(a) Each platform must have at least 2 fireman's outfits.

(b) Each fireman's outfit must consist of:

(1) A self-contained breathing apparatus approved under 49 CFR 160.011 with a complete recharge.

(2) A three-cell, intrinsically safe flashlight with the Underwriters' Lab-

oratories, Inc., label and a set of spare batteries for the flashlight.

(3) An oxygen and combustible gas indicator with the Underwriters' Laboratories, Inc., label, or Factory Mutual Testing Laboratories, Inc., label.

(4) Boots and gloves that are made of rubber or other electrically nonconductive material.

(5) A helmet that meets the requirements in Section 5 of the United States of America Standard Safety Code (Z2.1).

(6) Clothing that protects the skin from scalding steam and the heat of fire and that has a water resistant outer surface.

(c) Equipment must be stowed in a convenient, readily accessible location.

LIFESAIVING EQUIPMENT

§ 149.521 Lifeboats and inflatable life rafts: general.

(a) Each PPC must have enough lifeboats or inflatable life rafts, or a combination of both, for 200% of the maximum number of personnel to be quartered or employed on the PPC, except that each PPC must have at least two lifeboats. The Commandant may reduce this requirement to a minimum of 150% under § 148.607 when it can be shown that the specific arrangements and separation of equipment provides sufficient redundancy.

(b) Each lifeboat and launching equipment for an inflatable life raft on a platform must be mounted on the outboard side of the platform in a location that is easily accessible to persons on board and that is as far apart as practicable from each other lifeboat.

(c) No lifeboat and no launching equipment for an inflatable life raft may be mounted next to a discharge opening on a platform unless the opening has a baffle or a remotely controlled device to close the opening.

(d) Each lifeboat and life raft launching station must be provided with emergency lighting to illuminate the entire launching process from the stowed position until the craft is waterborne.

§ 149.522 Lifeboats.

(a) Each lifeboat on a platform must be approved under 46 CFR 160.035 and have the equipment required by 46 CFR 94.20-10 for a lifeboat on lakes, bays, sounds, and rivers. Except for boathooks, the equipment must be securely attached to the lifeboat.

(b) Each life boat on a platform must be motor propelled and have an installed cover that provides protection from exposure and from fire during operation of the lifeboat.

§ 149.523 Inflatable life rafts.

Each inflatable life raft on a platform must be approved under 46 CFR 160.051 as an inflatable life raft intended for an ocean service vessel.

§ 149.524 Launching equipment for lifeboats.

(a) Each PPC must have the following launching equipment for each lifeboat required by § 149.521:

(1) A winch that is approved under 46 CFR 160.015 and that has a grooved drum with only one layer of wire.

(2) Mechanical disengaging apparatus that is approved under 46 CFR 160.033.

(3) Davits that are approved under 46 CFR 160.032.

(4) Load bearing components that meet the requirements in 46 CFR 94.33-5 (a), (c), (d), and (e) and 46 CFR 94.33-10.

(b) If a lifeboat is mounted more than 30 feet above mean low water, the launching equipment for the lifeboat must be capable of operation from the lifeboat and from the PPC.

§ 149.525 Launching equipment for inflatable life rafts.

(a) Each PPC must have enough of the following inflatable life raft launching equipment to launch all of the life rafts required by § 149.521 within 20 minutes:

(1) Winches that are approved by the Commandant.

(2) Mechanical disengaging apparatus that is approved by the Commandant.

(3) Davits that are approved by the Commandant.

(4) Load bearing components that meet the requirements in 46 CFR 94.33-5 (a), (c), (d), and (e) and 46 CFR 94.33-10.

(b) Launching equipment for an inflatable life raft must be capable of being operated from the life raft and from the PPC.

(c) No more than two rafts may be launched from each launching station.

§ 149.526 Approved ring life buoys (Type IV personal flotation devices).

(a) Each PPC must have at least 8 approved ring life buoys (Type IV PFDs) and mounting racks distributed about the perimeter of the platform.

(b) Each ring life buoy must be constructed in accordance with 46 CFR Subpart 160.050 except a ring life buoy that was approved under former 46 CFR Subpart 160.009 may be used as long as it is in good and serviceable condition. Each ring life buoy must be of the 30-inch size, international orange, and easily accessible to persons on board.

(c) At least fifty percent of the ring life buoys required by this section must have an electric water light approved under 46 CFR 161.010.

(d) At least one ring life buoy on each side of the platform must have a buoyant line attached to it that is 1½ times the distance from the buoy to the mean low water line of the platform, or 15 fathoms in length, whichever is greater.

[CGD 80-155b, 47 FR 10533, Mar. 11, 1982]

§ 149.527 Portable radio apparatus.

Each PPC must have portable radio apparatus that meets the requirements in 46 CFR 94.55-1.

§ 149.529 Type I personal flotation devices (PFD's).

(a) Each PPC must have enough adult Type I PFD's for 100 percent of the port personnel. Each PFD must be stowed in the living spaces.

(b) Enough additional Type I PFD's for 50 percent of the port personnel must be stowed near working spaces in well ventilated and accessible lockers marked "life preservers."

§ 149.533 Litters.

Each platform must be equipped with at least one Stokes litter that is placed in a location that is accessible to persons on board.

§ 149.535 Markings on lifeboats, life rafts, paddles, and oars.

(a) Each lifeboat, and life raft must be marked in letters and numbers at least 1½ inch high with:

- (1) The identification of the deepwater port; and
- (2) The personnel capacity.

(b) Each inflatable life raft must be marked as required under 46 CFR 160.051.

(c) Each paddle and each oar must be marked with the identification of the deepwater port.

§ 149.537 Markings for personal flotation devices (PFD's).

Each PFD must be marked with the identification of the deepwater port.

MISCELLANEOUS

§ 149.539 Portable lights.

(a) Each portable light on a PPC must be listed by Underwriters' Laboratories, Inc., as suitable for Class I, Group D hazardous locations.

(b) Each supply cord of the portable lighting units must have receptacles with plugs, or receptacles with plugs interlocked with snap switches, that are listed by Underwriters' Laboratories, Inc., as suitable for Class I, Group D hazardous locations.

§ 149.541 General alarm system.

(a) Each PPC must have a general alarm system.

(b) Each general alarm system must be:

(1) Capable of being activated by the automatic fire detection systems required under § 149.491 and manually by use of alarm boxes located in accordance with the National Fire Protection Association Standard No. 72A;

(2) Audible in all parts of the PPC except in areas of high ambient noise levels where hearing protection is required under § 150.509(d) of this subchapter; and

(3) Visible in areas of the PPC where hearing protection is required under § 150.509(d) of this subchapter by use of a high intensity flashing light.

§ 149.543 Marking of general alarm system.

(a) Each general alarm box must be marked with the words "GENERAL ALARM" in red letters at least one inch high on a yellow background.

(b) Each audio and each visual general alarm signalling device under § 149.541 must have a sign with the words "GENERAL ALARM" in red letters at least one inch high on a yellow background.

§ 149.545 Public address system.

Each PPC must have a public address system operable from two locations on the PPC to allow an announcement of fires, oil transfer system failure or malfunction, and other emergencies.

Subpart E—Aids to Navigation at Deepwater Ports

GENERAL

§ 149.701 Applicability.

This subpart prescribes the minimum requirements for aids to navigation at the marine site.

§ 149.703 Effective intensity: Definition.

For the purpose of this subpart, "effective intensity" is the intensity of a flashing light calculated by using equation [3-27] for effective intensity in the Illumination Engineering Society Lighting Handbook, p. 3-36.

§ 149.705 Applicability of other regulations.

Sections 66.01-5, 66.01-25 (a) and (c), 66.01-50, and 66.01-55 of this chapter also apply to aids to navigation at a deepwater port. For the purpose of § 66.01-25 (a) and (c) of this chapter, aids to navigation at a deepwater port are Class I aids to navigation.

§ 149.707 Applications for aids to navigation.

(a) 180 days before the installation of any structure at the deepwater port

site the licensee must submit applications for obstruction lights and such other private aids to navigation appropriate for the particular construction site.

(b) 180 days before the commencement of oil transfer operations or changing the mooring facilities at the deepwater port the licensee must submit applications for private aids to navigation.

(c) Applications for private aids to navigation for deepwater ports must be submitted in accordance with § 66.01-5 of this chapter except that the applications must be submitted to the Commandant (G-M).

[CGD 75-002, 40 FR 52565, Nov. 10, 1975, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

SPECIFICATIONS FOR LIGHTS

§ 149.721 Light source.

Each light must have a tungsten-incandescent light source.

§ 149.723 Intensity.

(a) Each light on a buoy, hose string, and SPM must:

(1) Have at least the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within $\pm 1^\circ$ from the focal plane of the light; and

(2) Have at least 50% of the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within $\pm 2^\circ$ from the focal plane of the light.

(b) Each light on a platform, including the rotating lighted beacon, must:

(1) Have at least the effective intensity required by this subpart at all angles within $\pm 0.5^\circ$ of the horizontal plane that includes the focal point of the lens; and

(2) Have at least 50% of the effective intensity required by this subpart for the light at angles within $\pm 1^\circ$ of the horizontal plane that includes the focal point of the lens.

§ 149.724 Focus.

Each light using a lens must have a means to verify that the light source is at the focal point of the lens.

§ 149.725 Color.

The transparent cover of each light, including, where applicable, the top of the cover, must be uniform in color.

§ 149.727 Chromaticity.

The color emitted by a light at all angles, within the 50% effective intensity angle under § 149.723 must have chromaticity coordinates lying within the boundary defined by the corner coordinates in Table 149.727 when plotted on the International Commission on Illumination (CIE) Standard Observer Diagram.

TABLE 149.727—CHROMATICITY COORDINATES

Color	Chromaticity coordinates	
	x axis	y axis
White	0.285	0.332
	.453	.440
	.500	.440
	.500	.382
	.440	.382
Green	.285	.264
	.009	.720
	.264	.520
	.207	.397
Red	.013	.494
	.665	.335
	.645	.335
	.680	.300
Yellow	.700	.300
	.560	.440
	.555	.435
	.612	.382
	.618	.382

§ 149.729 Display of information.

(a) The following information must be displayed on each light:

(1) The manufacturer's name and date of manufacture.

(2) The model designation.

(3) The name of the manufacturer of the lamp to be used, and the manufacturer's ordering code for the lamp.

(4) The minimum voltage, measured at the input terminals of the lighting apparatus with the lamp burning, needed to operate the light in compliance with the intensity requirements of this subpart.

(b) The following information must be displayed on each rotating lighted beacon:

(1) The information prescribed in paragraph (a) of this section.

(2) The operating speed of the rotating apparatus.

(3) The type and level of electrical input required to maintain the operating speed.

OBSTRUCTION LIGHTS

§ 149.751 Number and location on a platform and SPM.

(a) A platform that is 30 feet or less on any side, or in diameter, must have at least one obstruction light.

(b) An SPM must have at least one obstruction light.

(c) A platform that is more than 30 feet but less than 50 feet on any side, or in diameter, must have at least two obstruction lights that are installed as far apart from each other on the platform as possible.

(d) A platform that is more than 50 feet on any one side must have one obstruction light installed on each corner.

(e) A circular platform that has a diameter of more than 50 feet must have at least 4 obstruction lights that are installed as far apart from each other on the platform as possible.

(f) At least one of the obstruction lights on each platform and SPM must be visible from the water regardless of the angle of approach to the structure.

(g) If a platform or SPM has more than one obstruction light, the lights must all be installed in the same horizontal plane.

(h) Each obstruction light on a platform must be installed at least 20 feet above mean high water.

(i) Each obstruction light on an SPM must be installed at least 10 feet above the water.

§ 149.753 Number and location on a floating hose string.

A floating hose string must have omnidirectional obstruction lights that are:

(a) Installed at equally spaced intervals of not more than 70 feet along the length of the hose string, except that

§ 149.755

the two sections of hose furthest from the SPM need not have lights; and

(b) Installed all at the same height and at no less than 2 nor more than 5 feet above the surface of the water.

§ 149.755 Characteristics.

(a) Each obstruction light on a platform or SPM must:

(1) Be white; and

(2) Flash 50 to 70 times per minute.

(b) If a platform or SPM has more than one obstruction light, the lights must flash simultaneously.

(c) Each obstruction light on a hose string must:

(1) Be yellow; and

(2) Flash 50 to 70 times per minute.

§ 149.757 Intensity.

(a) Each obstruction light on a platform must have an effective intensity of at least 75 candela.

(b) Each obstruction light on an SPM must have an effective intensity of at least 15 candela.

(c) Each obstruction light on a hose string must have an effective intensity of at least 1 candela.

§ 149.759 Leveling.

Each obstruction light installed on a platform must have:

(a) Mounting hardware incorporating devices that facilitate horizontal leveling of the light; and

(b) A leveling indicator, or indicators, each with an accuracy of ± 0.25 degrees, permanently attached to the light.

Buoys

§ 149.771 Number and location.

Each lateral boundary of a traffic lane at a deepwater port must be marked with buoys that are no more than 5 miles apart.

§ 149.773 Characteristics.

(a) Each buoy at a deepwater port must:

(1) Meet the requirements in § 62.25 of this chapter for buoys in United States waters; and

(2) Have:

(i) A radar reflector; and

(ii) A light installed at least 8 feet above the water.

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(b) For each traffic lane, the buoy that is furthest from the safety zone must have a fog signal of a type described in Subpart 62.45 of Part 62 of this chapter.

§ 149.775 Intensity of lights.

(a) Each fixed light on a buoy must have an intensity of at least 75 candela.

(b) Each flashing light on a buoy must have an effective intensity of at least 75 candela.

MISCELLANEOUS

§ 149.791 Identification of a platform and SPM.

(a) Each platform and SPM must display the name of the port, and the name or number or both identifying the structure, so that the information is visible:

(1) From the water at all angles of approach to the structure; and

(2) If the structure is equipped with a helicopter pad, from aircraft on approach to the structure.

(b) The information required in paragraph (a) of this section must be displayed in numbers and letters that are:

(1) At least 12 inches high;

(2) In vertical block style; and

(3) Displayed against a contrasting background.

§ 149.793 Markings for piles and pile clusters.

(a) Each pile and pile cluster that is within 100 yards of a platform or SPM must be marked with white reflective tape.

(b) Each pile and pile cluster that is more than 100 yards from a platform or SPM must meet the obstruction lighting requirements in this subpart for a platform.

§ 149.795 Radar beacon.

The tallest platform must have an FCC accepted radar beacon (RACON) that:

(a) When triggered, periodically sweeps the frequency band from 9320 to 9500 MHz, using a continuous sawtooth sweep, and a sweep rate not greater than 3 MHz per second;

(b) Transmits a signal of at least 250 milliwatts radiated power that is omnidirectional in the horizontal plane, is polarized at an angle of 45° to the horizontal plane, and is delayed from the incident radar signal by no more than 250 nanoseconds;

(c) Transmits a 2-element or 3-element Morse coded pulse signal, with the overall signal length adjustable to about 20 microseconds; and

(d) Is installed at a minimum height of 15 feet above the highest deck of the platform and where the structure of the platform, or equipment mounted thereon, does not obstruct the signal propagation in any direction.

§ 149.797 Rotating lighted beacon.

The tallest platform must have a rotating lighted beacon that:

(a) Has an effective intensity of at least 15,000 candela;

(b) Flashes at least once every 20 seconds;

(c) Has a white light;

(d) Is installed:

(1) At least 60 feet above mean high water;

(2) Where the structure of the platform, or equipment mounted thereon, does not obstruct the propagation of the light in any direction; and

(3) So as to be visible all around the horizon;

(e) Operates in wind up to 100 knots at a speed that is within 6% of the operating speed displayed on the beacon.

(f) [Reserved]

(g) Has a leveling indicator, or indicators, each with an accuracy of ± 0.25 degrees, permanently attached to the light.

§ 149.799 Fog signal.

(a) Each PPC must have a Coast Guard approved fog signal that has a 2 mile range.

NOTE: A list of Coast Guard approved fog signals may be obtained from the Commandant (G-M).

(b) Each fog signal on a PPC must:

(1) Be installed at least 10 feet but not more than 150 feet above mean high water; and

(2) Be installed where the structure of the platform, or equipment mount-

ed thereon, does not obstruct the propagation of sound in any direction.

[CGD 75-002, 40 FR 52565, Nov. 10, 1975, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

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APPENDIX A—DEEPWATER PORT SAFETY ZONE BOUNDARIES

AUTHORITY: 33 U.S.C. 1231, 1509; 49 CFR 1.46.

SOURCE: CGD 75-002, 40 FR 52572, Nov. 10, 1975, unless otherwise noted.

Subpart A—General

§ 150.101 Applicability.

The rules in this part apply to the operation of each deepwater port.

§ 150.103 Licensee.

(a) No licensee of a deepwater port may cause or authorize operations contrary to the rules in this part.

(b) The licensee shall ensure that the port meets the equipment requirements in Part 149 of this chapter.

§ 150.105 Operations Manual: General.

(a) The licensee of a deepwater port may not operate the port unless the port has an Operations Manual that:

(1) Is prepared in accordance with the "Guidelines for Preparation of a Deepwater Port Operations Manual"; and

(2) Has been approved by the Commandant.

(b) For the purpose of this section, "approved" means only that the Operations Manual meets the requirements of the Act and the regulations in this subchapter.

NOTE: The "Guidelines for Preparation of a Deepwater Port Operations Manual" may be obtained from the Commandant (G-M).

[CGD 75-002, 40 FR 52572, Nov. 10, 1975, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§ 150.106 Operations Manual: Copies.

The licensee shall furnish 25 copies of the approved Operations Manual and each subsequent amendment to Commandant (G-M).

NOTE: The Commandant will distribute copies of the approved Operations Manual and subsequent amendments within the Coast Guard and to the Governor of the ad-

jacent coastal State connected directly by pipeline to the deepwater port.

[CGD 75-002, 40 FR 52572, Nov. 10, 1975, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§ 150.107 Operations Manual: Amendment.

(a) The Captain of the Port may require the licensee to amend the Operations Manual if he finds that the Operations Manual does not comply with § 150.105.

(b) When the Captain of the Port determines that an amendment to an operations manual is necessary, he notifies the licensee in writing of a date not less than 14 days from the date of the notice, on or before which the licensee may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Captain of the Port notifies the licensee of any amendment required or he rescinds the notice. The amendment becomes effective not less than 30 days after the licensee receives the notice unless the licensee petitions the Commandant to reconsider the amendment, in which case its effective date is stayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing to the Captain of the Port.

(c) If the Captain of the Port finds a situation that requires immediate action to prevent the discharge or risk of discharge of oil or to protect the safety of life and property that makes the procedure in paragraphs (a) and (b) of this section impracticable or contrary to the public interest, he may issue an amendment effective, without stay, on the date the licensee receives notice of it. In such a case, the Captain of the Port includes a brief statement of the reasons for his finding in the notice, and the licensee may petition the District Commander, in any manner, to reconsider the amendment.

(d) Adjacent coastal States connected by pipeline to the deepwater port and licensees may petition the Captain of the Port to amend the Operations Manual. The Captain of the Port, when in receipt of a proposed amendment, will solicit comments on the proposed amendment. The petition and comment should include sufficient rel-

evant information to enable the Captain of the Port to reach a decision to adopt or reject the proposed amendment. The Captain of the Port may approve amendments to the Operations Manual if he finds that the proposed alternative procedure, method, or equipment will ensure equivalent or improved protection, safety, or quality level and is in compliance with this subchapter.

§ 150.109 Compliance with Operations Manual.

Each licensee shall use and require his personnel to use the procedures in the Operations Manual.

§ 150.113 Deviations.

The Captain of the Port may authorize a deviation in writing upon request, if he finds that the proposed alternative procedure, method or equipment would ensure equivalent protection, safety, or quality level.

§ 150.115 Emergency deviations.

In an emergency, for the protection of life or property, or to avoid danger to the environment, any person may deviate from the Operations Manual or any requirement of deepwater port regulations. As soon as practicable, the person shall report the nature, extent, and duration of each deviation orally or in writing to the Captain of the Port.

§ 150.117 Notification to the District Commander.

(a) At least 30 days before construction of a pipeline, platform, or SPM at a deepwater port begins, the licensee shall give notice of construction in writing to the District Commander.

(b) On the date construction of a pipeline, platform or SPM at a deepwater port begins, the licensee shall give written notice to the District Commander within 24 hours of the lights and fog signals in use at the construction site.

(c) Whenever lights or fog signals are changed during construction of a pipeline, platform, or SPM at a deepwater port, the licensee shall give written notice of such change to the District Commander within 24 hours.

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(d) When lights or fog signals used during construction of a platform, buoy, or SPM at a deepwater port are replaced with lights or fog signals required by Part 149 of this subchapter, the licensee shall give written notice of replacement to the District Commander within 24 hours.

(e) At least 60 days before the first oil transfer operation begins at a deepwater port, the licensee shall give written notice of the operation to the District Commander.

[CDG 75-002, 40 FR 52572, Nov. 10, 1975; 40 FR 58143, Dec. 15, 1975]

§ 150.119 Notification to the Commandant.

The licensee shall give notice, in writing, to the Commandant upon receipt of the American Bureau of Shipping:

- (a) "Interim Class Certificate"; and
- (b) "Classification Certificate" for an SPM at a deepwater port.

§ 150.121 ABS classification.

(a) No licensee may operate an SPM unless he has an American Bureau of Shipping (ABS) "Interim Class Certificate" or a "Classification Certificate" for the SPM.

(b) A certificate must classify the SPM and attached hoses.

(c) The licensee shall maintain in class each SPM having a Classification Certificate.

§ 150.123 Weather monitoring.

The terminal supervisor shall continuously monitor the wind, wave, current, and visibility conditions at the port.

§ 150.125 Water depth measurements.

(a) The licensee shall measure water depth in the marine site if the Captain of the Port notifies the licensee that:

- (1) A severe storm may have significantly altered water depths;
- (2) Gradual natural or man-induced processes may have significantly altered water depths; or
- (3) User experience indicates that charted water depths may no longer be accurate.

(b) The accuracy and adequacy of water depth measurements must be sufficient for nautical chart maintenance purposes.

§ 150.127 Environmental monitoring.

The licensee shall monitor the environment in accordance with the environmental monitoring program set forth in the approved Operations Manual for the port.

Subpart B—Personnel

§ 150.201 Applicability.

This subpart prescribes personnel qualifications that apply to each deepwater port.

§ 150.203 General.

No person may serve and the licensee may not use the services of a person in the following capacities unless that person reads, writes and speaks English.

- (a) Port Superintendent.
- (b) Cargo Transfer Supervisor.
- (c) Cargo Transfer Assistant.
- (d) Vessel Traffic Supervisor.
- (e) Mooring Master.
- (f) Assistant Mooring Master.

§ 150.204 Definitions.

As used in this subpart:

- (a) "License" means a Coast Guard license issued under 46 CFR Part 10; and
- (b) "Licensee" means the licensee of a deepwater port.

§ 150.205 Port Superintendent.

No person may serve, and the licensee may not use the services of a person, as a Port Superintendent at a deepwater port unless:

- (a) That person has enough experience at an oil transfer facility to enable the licensee to determine that that person is capable of managing the deepwater port;
- (b) The licensee determines that that person knows:
 - (1) The hazards of each product to be transferred; and
 - (2) The port operating procedures described in the Operations Manual; and
- (c) The licensee designates that person as Port Superintendent and advises the Captain of the Port in writing of that designation.

§ 150.207 Cargo Transfer Supervisor.

No person may serve, and the licensee may not use the services of a person, as a Cargo Transfer Supervisor at a deepwater port unless:

(a) That person has enough experience in operating oil transfer equipment to enable the licensee to determine that that person is capable of operating the oil transfer equipment of the deepwater port;

(b) That person has:

(1) Had continuous employment for at least one year as supervisor at an oil transfer facility in charge of offloading tank vessels of 70,000 deadweight tons or larger;

(2) Supervised at least 25 cargo transfer evolutions from tankers of 70,000 deadweight tons or larger; or

(3) Served in a training capacity for Cargo Transfer Supervisor at a United States deepwater port for at least one year;

(c) The licensee determines that that person knows:

(1) The rules in Subpart D of this part;

(2) The oil transfer procedures and transfer control systems, in general, of tankers serviced at the facility;

(3) The special handling characteristics of each product to be transferred; and

(4) The procedures described in the Operations Manual for:

(i) Oil transfer;

(ii) Spill prevention, containment, and cleanup;

(iii) Accidents and emergencies;

(iv) Voice radiotelecommunications; and

(d) The licensee designates that person as Cargo Transfer Supervisor and advises the Captain of the Port in writing of that designation.

[CGD 75-002, 40 FR 52572, Nov. 10, 1975; 40 FR 58143, 58144, Dec. 15, 1975]

§ 150.209 Vessel Traffic Supervisor.

No person may serve, and the licensee may not use the services of a person, as a Vessel Traffic Supervisor at a deepwater port unless:

(a) That person presents evidence of:

(1) Having performed for one year within the last five years in a capacity requiring radar plotting and analysis of vessel movement; or

(2) Satisfactory completion of a marine radar operators school acceptable to the Commandant;

(b) The licensee determines that that person knows:

(1) The procedures for utilizing the port's radar equipment; and

(2) The procedures described in the Operations Manual for:

(i) Vessel control; and

(ii) Voice radiotelecommunications; and

(c) The licensee designates that person as Vessel Traffic Supervisor and advises the Captain of the Port in writing of that designation.

§ 150.211 Mooring Master.

No person may serve, and the licensee may not use the services of a person, as a Mooring Master at a deepwater port unless:

(a) That person holds a current United States Coast Guard issued license as:

(1) Master of ocean steam or motor vessels of any gross tons, endorsed as radar observer, and has one year experience as:

(i) Master on tankers of 70,000 DWT or larger and satisfactory completion of a very large crude carrier (VLCC) shiphandling course acceptable to the Commandant; or

(ii) A Mooring Master at any deepwater port servicing tankers of 70,000 DWT or larger; or

(2) Master of ocean steam or motor vessels of limited tonnage, endorsed as radar observer, and endorsed as first-class pilot of vessels of any gross tons for at least one port in the area of the deepwater port, and has one year experience:

(i) Piloting ocean going vessels, including tankers of 70,000 DWT or larger; or

(ii) As assistant mooring master at the facility and satisfactory completion of a very large crude carrier (VLCC) shiphandling course acceptable to the Commandant;

(b) The licensee determines that the person knows the procedures described in the Operations Manual for:

(1) Vessel control;

(2) Vessel responsibilities;

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(3) Spill prevention, containment, and cleanup;

(4) Accidents and emergencies; and

(5) Voice radiotelecommunications;

(c) The licensee designates that person as Mooring Master and advises the Captain of the Port, in writing, of the designation; and

(d) In addition to the foregoing requirements, after two years of operation of the facility, the licensee shall require new applicants for Mooring Master to have observed 20 mooring evolutions at that facility.

§ 150.213 Cargo Transfer Assistant.

No person may serve, and the licensee may not use the services of a person, as a Cargo Transfer Assistant at a deepwater port unless:

(a) That person presents evidence that he has one year experience, or performed 15 cargo transfer evolutions at an oil transfer facility servicing tankers of 70,000 deadweight tons or larger in a capacity involving connection and disconnection of the tankers to a single point mooring floating hose string;

(b) The licensee determines that that person knows:

(1) The rules in Subpart D of this part;

(2) The oil transfer procedures and transfer control systems, in general, of tankers serviced at the port;

(3) The special handling characteristics of each product to be transferred;

(4) The procedures described in the Operations Manual for:

(i) Oil transfer;

(ii) Spill prevention, containment, and cleanup;

(iii) Accidents and emergencies; and

(iv) Voice radiotelecommunications; and

(c) The licensee designates that person as Cargo Transfer Assistant and retains written evidence of that designation at the deepwater port.

§ 150.215 Assistant Mooring Master.

No person may serve, and the licensee may not use the services of a person, as an Assistant Mooring Master at a deepwater port unless:

(a) That person holds a current United States Coast Guard issued license as:

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(1) Master of ocean steam or motor vessels of any gross tons, endorsed as radar observer, and has six months experience as master or chief mate on tankers of 70,000 DWT or larger; or

(2) Master of ocean steam or motor vessels of limited tons, endorsed as radar observer, and endorsed as first-class pilot of vessels of any gross tons for at least one port in the area of the deepwater port;

(b) The licensee determines that that person knows the procedures described in the Operations Manual for:

(1) Vessel control;

(2) Vessel responsibilities;

(3) Spill prevention, containment, and cleanup;

(4) Accidents and emergencies; and

(5) Voice radiotelecommunications; and

(c) The licensee designates that person as Assistant Mooring Master and advises the Captain of the Port, in writing, of the designation.

§ 150.217 Limitation on service.

No person may perform in more than one of the following capacities at any one time:

(a) Port Superintendent.

(b) Cargo Transfer Supervisor.

(c) Cargo Transfer Assistant.

(d) Vessel Traffic Supervisor.

(e) Mooring Master.

(f) Assistant Mooring Master.

Subpart C—Vessel Navigation

AUTHORITY: Sec. 10(a)(b)(d), 88 Stat. 2137-38 (33 U.S.C. 1509(a)(b)(d)); sec. 4, 92 Stat. 1473-74 (33 U.S.C. 1223); 49 CFR 1.46.

SOURCE: CGD 76-096, 45 FR 85647, Dec. 29, 1980, unless otherwise noted.

§ 150.301 Applicability.

This subpart prescribes rules that:

(a) Apply to the navigation of all vessels at or near a deepwater port; and

(b) Describe vessel activities permitted and prohibited in a deepwater port safety zone.

NOTE: Appendix A to this part describes the designated boundaries of U.S. deepwater port safety zones. Included within the safety zones are specific areas to be avoided, anchorages, and other ship's routing measures associated with particular safety zones.

(Shipping safety fairways associated with deepwater ports are described in Part 166 of this Title.)

[CGD 76-096, 45 FR 85647, Dec. 29, 1980, as amended by CGD 85-044, 50 FR 26990, July 1, 1985]

§ 150.303 Definitions.

"Support vessel" means a tug, line-handling boat, crewboat, workboat, supply vessel, bunkering vessel, barge, or other similar vessel working for a licensee in connection with the operation of a deepwater port or cleared by a licensee to service a tanker calling at a deepwater port.

"Tanker" means a vessel that calls at a deepwater port to load or unload oil at a SPM.

§ 150.305 Ships' routing measures.

No licensee may operate a deepwater port unless the port has such ships' routing measures as prescribed or approved by the Coast Guard to provide for safe navigation at or near the deepwater port.

§ 150.307 Radar surveillance.

The Vessel Traffic Supervisor shall maintain radar surveillance of the safety zone whenever:

(a) A tanker is proceeding to the safety zone after submitting the report required in § 150.335; or

(b) A tanker or support vessel is underway in the safety zone; or

(c) A vessel other than a tanker or support vessel is about to enter or is underway in the safety zone.

§ 150.309 Advisories to tankers.

(a) The Vessel Traffic Supervisor shall advise the master of each tanker underway in the safety zone of the tanker's position by range and bearing from the PPC at intervals not to exceed 10 minutes.

(b) Whenever the Vessel Traffic Supervisor determines that a vessel may potentially interfere with the movement of a tanker in the safety zone, the Vessel Traffic Supervisor shall keep the master of the tanker informed of the position and estimated course and speed of the vessel as necessary to assist the tanker in navigation within the safety zone.

(c) Whenever a tanker enters the safety zone, the Vessel Traffic Supervisor shall advise the tanker of the position of each other vessel moored, anchored, or underway in the safety zone.

§ 150.311 Radio listening watch.

Whenever a tanker is in the safety zone, the Vessel Traffic Supervisor and the master of the tanker shall each continuously monitor the radio frequency designated in the Operation Manuals for use by tankers and support vessels underway at the port, except when transmitting on that frequency.

§ 150.313 Clearances for tankers.

(a) The Vessel Traffic Supervisor may not clear a tanker to enter the safety zone unless:

(1) Each other tanker underway in the safety zone is at least 5 miles from the tanker requesting clearance to enter the safety zone; and

(2) A Mooring Master is on board or ready to board at a position in the designated safety fairway that will permit completion of boarding before the tanker enters the safety zone.

(b) The Vessel Traffic Supervisor may not clear a tanker to moor at a SPM unless:

(1) There is a SPM berth available and the Vessel Traffic Supervisor has assigned that berth to the tanker;

(2) The visibility in the safety zone is at least two miles;

(3) All operating conditions prescribed in the Operation Manuals for mooring to a SPM have been met; and

(4) A Mooring Master and an Assistant Mooring Master are on board.

(c) The Vessel Traffic Supervisor may not clear a tanker to depart from a SPM unless the visibility in the safety zone is at least two miles and a Mooring Master is on board.

(d) No tanker may enter the safety zone or moor at or depart from a SPM, unless the master of the tanker has obtained clearance from the Vessel Traffic Supervisor, except as permitted by paragraph (e) of this section.

(e) A tanker may, in an emergency, for the protection of life or property, depart from a SPM without clearance

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from the Vessel Traffic Supervisor if the master advises the Vessel Traffic Supervisor of the circumstances, by radio, at the earliest possible moment.

§ 150.315 Clearances for support vessels.

(a) The Vessel Traffic Supervisor shall direct support vessel movements within the safety zone.

(b) The Vessel Traffic Supervisor may clear support vessels to enter or depart the safety zone at any point.

§ 150.317 Clearances for other vessels.

(a) When requested by the master of a vessel other than a tanker or support vessel, the Vessel Traffic Supervisor shall furnish information concerning other vessels underway or moored in the safety zone.

(b) If the Vessel Traffic Supervisor determines that a vessel other than a tanker or support vessel may be standing into danger with respect to any vessel or part of the deepwater port installation in the safety zone, the Vessel Traffic Supervisor shall attempt to inform the master of that vessel by radio or other means.

(c) Except in situations involving force majeure, the Vessel Traffic Supervisor shall not clear a vessel other than a tanker or support vessel to enter the safety zone of a deepwater port for any purpose that would interfere with the purpose of the deepwater port; endanger the safety of life, property, or the environment; or otherwise be prohibited by regulation.

§ 150.333 Advance notice of arrival.

(a) The master of a tanker bound for a deepwater port shall report the following information to the Captain of the Port and the Vessel Traffic Supervisor of the port at least 24 hours before entering the safety zone at the port:

(1) The name, gross tonnage, and draft of the tanker.

(2) The type and amount of cargo on board.

(3) Any conditions on the vessel that may impair the navigation of the vessel, such as fire, malfunctioning propulsion machinery or steering equipment, or limitations on navigational or radiotelephone capabilities

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because of equipment or material malfunctions.

(4) Any leaks, structural damage, or machinery malfunctions that may impair cargo transfer operations or cause a discharge of oil.

(5) The estimated time of arrival at the deepwater port safety zone.

(b) If the information reported in paragraph (a)(3), (a)(4), or (a)(5) of this section changes at any time before entering the safety zone, or while the tanker is in the safety zone, the master of the tanker shall report the changes to the Captain of the Port and Vessel Traffic Supervisor as soon as possible.

§ 150.335 Report before entering safety zone.

The master of a tanker bound for a deepwater port shall notify the Vessel Traffic Supervisor of the port when the tanker is 20 miles from the entrance to the safety zone.

§ 150.337 Navigation of tankers in the safety zone.

(a) A tanker must not enter or depart a safety zone except via a designated safety fairway, unless under force majeure.

(b) A tanker must not anchor in the safety zone except in a designated anchorage area unless under force majeure.

(c) A tanker underway in a safety zone must keep at least 5 miles behind any other tanker underway ahead of it in the safety zone.

(d) A tanker must not operate, anchor, or be moored in any area of the safety zone in which the net underkeel clearance would be less than 5 feet.

§ 150.338 Navigation of support vessels in the safety zone.

(a) A support vessel must not enter or move within the safety zone unless the movement is cleared by the Vessel Traffic Supervisor.

(b) A support vessel must not anchor in the safety zone, except in an anchorage area or for support vessel maintenance operations cleared by the Vessel Traffic Supervisor.

§ 150.339 Navigation of other vessels in the safety zone.

Vessels other than tankers or support vessels should not enter the safety zone of a deepwater port unless clearance has been obtained from the Vessel Traffic Supervisor.

§ 150.341 Mooring Master.

A tanker must not be underway in the safety zone unless a Mooring Master is on board.

NOTE: The Mooring Master advises the master of the tanker on operational and ship control matters that are peculiar to the specific deepwater port, such as navigational aids, depth and current characteristics of the maneuvering area, mooring equipment and procedures, and the port's vessel traffic control procedures.

§ 150.342 Assistant Mooring Master.

A tanker must not moor at a SPM unless an Assistant Mooring Master is on board.

NOTE: The Assistant Mooring Master is stationed on the forecastle of the tanker during mooring operations to assist the Mooring Master by reporting position approach data relative to the SPM and to advise the tanker personnel in handling of mooring equipment peculiar to the deepwater port.

§ 150.345 Regulated vessel activities.

(a) Vessel activities permitted and prohibited at deepwater ports, controls on those activities, and the specific safety zone areas in which the controls apply are listed in Table 150.345(a).

TABLE 150.345(a)—REGULATED VESSEL ACTIVITIES AT DEEPWATER PORTS

Regulated vessel activities	Safety zone		
	Areas to be avoided around each PPC and SPM ¹	Anchorage area	Remaining portion of safety zone
Tankers calling at port	C	C	C
Support vessel movements	C	C	C
Transit by vessels other than tankers or support vessels	N	P	P
Mooring to SPM by vessels other than tankers or support vessels	F		
Anchoring by vessels other than tankers or support vessels	N	F or P	N
Fishing, including bottom trawl (shrimping)	N	P	P
Mobile drilling operations or erection of structures ²	N	N	N
Lightering/transshipment ³	N	N	N

¹ The radius of areas to be avoided around each PPC is 600 meters and around each SPM is 500 meters.

² Not part of Port Installation.

³ Exception, 33 CFR 150.423(e).

NOTE: The person in charge of any vessel planning to enter a safety zone should contact the port Vessel Traffic Supervisor on Ch. 10 VHF-FM before entry and comply with that person's instructions.

Key to regulated activities: F—Force majeure; N—Not permitted; C—Tankers calling at port and support vessel movements; P—Vessels other than tankers or support vessels; Permitted when cleared by vessel traffic supervisor; Permitted when not in immediate area in tanker, clearance by vessel traffic supervisor required. Communications with vessel traffic supervisor required. For transiting foreign flag vessels, the requirement for clearance to enter the safety zone is advisory in nature.

(b) A deepwater port licensee shall obtain the permission of the Captain of the Port having jurisdiction over that licensee's port before allowing any vessel activity at the port which is not listed in Table 150.345(a) or otherwise provided for in this subpart.

Subpart D—Oil Transfer Operations

§ 150.400 Applicability.

This subpart prescribes rules that apply to the transfer of oil at a deepwater port.

§ 150.403 Definitions.

As used in this subpart:

"Hose string", both floating and float/sink type, means that portion of an SPM-OTS consisting of flexible hose which connects the vessel's manifold to the SPM.

"OTS" means an oil transfer system of a deepwater port and includes the SPM-OTS and the undersea pipeline running from the PLEM to the on-shore terminal.

"PLEM" means pipeline and manifold at the SPM.

"Single Point Mooring" (SPM) means an offshore berth which provides a link between the undersea pipeline and a moored vessel for the transfer of oil and to which the vessel can be secured and can weathervane during the oil transfer.

"SPM-OTS" means that portion of an OTS from the PLEM to the end of the hose string that connects to the manifold on the vessel.

§ 150.405 Periodic tests and inspections: OTS components.

No person may transfer oil through an OTS at a deepwater port unless:

(a) The SPM-OTS of the OTS has been tested and inspected as required for maintenance of class in accordance with the Rules for Building and Classing Single Point Moorings published by the American Bureau of Shipping;

(b) Each oil transfer hose in the SPM-OTS of the OTS in which the maximum pressure rating of the manufacturer has been exceeded, except when exceeded for testing required by this section, has, since the pressure was exceeded, been:

(1) Removed;

(2) Hydrostatically tested to 1.5 times its maximum working pressure; and

(3) Visually examined externally and internally for evidence of leakage, loose covers, kinks, bulges, soft spots, and gouges, cuts, or slashes that penetrate the hose reinforcement;

(c) Within the 23 months immediately preceding the month during which oil transfer operations are to be conducted, each submarine hose in the SPM-OTS of the OTS has been removed from the ends of each submarine coupling, surfaced, and visually examined externally and internally for evidence of flaws as described in paragraph (b)(3) of this section and hydrostatically tested to 1.5 times its maximum working pressure; and

(d) Each submarine hose in the SPM-OTS of that OTS has been visually examined in place for evidence of external flaws as described in paragraph (b)(3) of this section since the last time sea conditions at the deepwater port required shutdown of oil transfer operations.

§ 150.407 Periodic tests and inspections: discharge containment equipment.

No person may transfer oil at a deepwater port unless the discharge containment equipment required by Part 149 of this chapter is tested and inspected as follows:

(a) Within the five months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, a visual examination must have been performed to determine whether there existed any conditions that might impair the effectiveness of the equipment in performing its intended function. This visual examination must include the condition of such items as fabric and fabric coatings, seams and bonding points, metal hardware parts, shackles, fittings, towing and other lines, cables, flotation devices, inflation mechanisms, and any other components integral to the equipment.

(b) Within the 11 months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, representative pieces or sections of the containment equipment must:

(1) Have been deployed under simulated discharge conditions and the integrity of equipment strength members, containment skirt, flotation devices, and any other design performance factors of the equipment tested; or

(2) Have been deployed under actual discharge conditions.

§ 150.409 Periodic tests and inspections: removal material and equipment.

No person may transfer oil at a deepwater port unless the removal material and equipment required by Part 149 of this chapter is tested and inspected as follows:

(a) Within the two months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, any machinery, pumps, hydraulic parts, and other operating features of removal equipment must have been visually examined and operated in accordance with the instructions of the manufacturer.

(b) Within the 11 months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port, the removal equipment must have been tested in conjunction with the containment equipment deployment required by § 150.407(b).

§ 150.411 Repair or replacement of equipment.

(a) Whenever any component of a deepwater port that affects the safety or integrity of the oil transfer operation is found to be inoperative or otherwise defective, the licensee shall replace or repair the component before further oil transfer operations are undertaken using the affected OTS. The repaired or replaced component must meet or exceed the original specifications.

(b) Whenever an item of discharge containment and removal material or equipment required by § 149.319 of this chapter is found to be inoperative or otherwise defective, the licensee shall replace or repair the item before further oil transfer operations are undertaken. The repaired or replaced item must meet or exceed the original specifications.

§ 150.413 Requirements for oil transfer.

No person may transfer oil through an OTS unless:

(a) Before connecting the hose string to the vessel manifold at the start of each oil transfer operation, it is determined by in-place visual examination that the hose string in use for that transfer operation has no leakage, loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(b) During each oil transfer operation, it is determined by visual examination that the hose string in use for that transfer operation has no leakage;

(c) The vessel's mooring attachment to the SPM is strong enough to hold in all expected conditions of surge, current, and weather;

(d) Oil transfer hoses are long enough to allow the vessel to move to the limits of its mooring attachment

to the SPM without placing strain on the hoses;

(e) Each oil transfer hose is supported in a manner that prevents strain on its coupling;

(f) Each part of the OTS necessary to allow the flow of oil is lined up for the transfer;

(g) Each part of the OTS not necessary for the transfer operation is securely blanked or shut off;

(h) Except when used to receive or discharge ballast, each overboard discharge or sea suction valve that is connected to the vessel's oil transfer, ballast, or cargo tank systems is sealed, lashed, or locked in the closed position;

(i) Each connection in the OTS meets the requirements of § 150.415;

(j) The discharge containment and removal material and equipment required by § 149.319 of this chapter is in place;

(k) Each scupper and overboard drain on the vessel is closed;

(l) Any continuing loss of oil from the coupling at the vessel manifold does not overflow the drip pan under the manifold;

(m) The communications equipment required by § 149.317 of this chapter is operative for the transfer operation;

(n) The emergency means of shutdown required by Part 149 of this chapter is in position and operative;

(o) The Cargo Transfer Supervisor, Cargo Transfer Assistant, and any other designated personnel are on duty and present to conduct the transfer operations in accordance with the Operations Manual and with the oil transfer procedures that apply to the vessel during the transfer operation;

(p) The vessel's officer in charge of cargo transfer and the Cargo Transfer Assistant have held a conference and each understands the following details of the transfer operations:

(1) The identity of the product to be transferred.

(2) The sequence of transfer operations.

(3) The transfer rate.

(4) The name or title and location of each person participating in the transfer operation.

(5) Particulars of the transferring and receiving systems.

- (6) Critical stages of the transfer operation.
- (7) Federal regulations that apply to the transfer of oil.
- (8) Emergency procedures.
- (9) Discharge containment procedures.
- (10) Discharge reporting procedures.
- (11) Watch or shift arrangement.
- (12) Transfer shutdown procedures;
- (q) The vessel's officer in charge of cargo transfer and the Cargo Transfer Assistant agree to begin the transfer operation;
- (r) Flame screens are structurally sound and securely fastened in place in all cargo tank vents and ullage holes on the vessel; and
- (s) The declaration of inspection required by § 150.417 is executed.

§ 150.415 Requirements for connections.

- (a) The licensee shall provide suitable adaptors, to allow connection of the hose string to a vessel manifold, that meet any one of the following flange standards:
 - (1) American National Standards Institute (ANSI).
 - (2) British Standard (BS).
 - (3) German Standard (DIN).
 - (4) Japanese Industrial Standard (JIS).
 - (5) Universal Metric Standard.
- (b) Each temporary connection between the hose string and a vessel manifold must:
 - (1) Be made using either:
 - (i) A bolted coupling; or
 - (ii) A quick-connect coupling approved under § 156.130(c)(2) of this chapter;
 - (2) Have suitable materials in joints and couplings to make a tight seal;
 - (3) If using an American National Standards Institute (ANSI) standard bolted flange coupling, have a bolt in at least every other hole of the coupling and in no case less than four bolts;
 - (4) If using a bolted coupling other than an ANSI standard bolted flange coupling, have a bolt in each hole of the coupling;
 - (5) Have bolts in each bolted coupling that are all:
 - (i) The same size;

- (ii) Tightened so as to uniformly distribute the load around the coupling; and
- (iii) Free of any signs of strain, elongation or deterioration; and
- (6) Be made and broken in the presence of and under the direct supervision of the Cargo Transfer Assistant.

§ 150.417 Declaration of inspection.

- (a) No person may transfer oil at a deepwater port unless a declaration of inspection has been executed before the start of each oil transfer operation by the Cargo Transfer Assistant and the vessel's officer in charge of cargo transfer.
- (b) The declaration of inspection required by paragraph (a) of this section may be in any form but must contain:
 - (1) The name of the tanker and berth to which moored;
 - (2) The date the oil transfer operation will start;
 - (3) Certification by the Cargo Transfer Assistant and the vessel's officer in charge of cargo transfer that the requirements for oil transfer specified in § 150.413, and the pre-transfer procedures described in the Operations Manual, have been followed; and
 - (4) The signatures of the Cargo Transfer Assistant and the vessel's officer in charge of cargo transfer.

§ 150.419 Stopping transfer operations.

- (a) Before stopping the flow of oil during an offloading operation at a deepwater port, the Cargo Transfer Supervisor shall advise the vessel's officer in charge of oil transfer of the intent to do so.
- (b) Before stopping the flow of oil during an onloading operation at a deepwater port, the vessel's officer in charge of oil transfer shall advise the Cargo Transfer Supervisor of the intent to do so.
- (c) Before disconnecting the hose string from the vessel manifold, the Cargo Transfer Assistant shall ensure that the shut-off valve described in § 149.307 of this chapter is secured in the closed position.
- (d) Before returning the hose string to the water after disconnection, the Cargo Transfer Assistant shall ensure that the blank flange described in

§ 149.307 of this chapter is secured in place and has:

- (1) Suitable material in the coupling to make a tight seal;
- (2) A bolt in each hole of the coupling; and
- (3) Bolts in the coupling that are all:
 - (i) The same size;
 - (ii) Tightened so as to uniformly distribute the load around the coupling; and
 - (iii) Free of any signs of strain, elongation, or deterioration.

§ 150.421 Displacement of oil in an SPM-OTS with water.

The Port Superintendent shall ensure that the oil in an SPM-OTS is displaced with water, and the valve at the PLEM closed, whenever:

- (a) A storm warning has been received forecasting weather conditions that will exceed the design operating criteria listed in the Operations Manual for the SPM-OTS;
- (b) A vessel is about to depart the SPM because of storm conditions; or
- (c) The SPM is not scheduled for use in an oil transfer operation within the next 7 days.

§ 150.423 Limitations.

No person may transfer oil at a deepwater port:

- (a) Unless a Port Superintendent is on duty at the port;
- (b) During a severe electrical storm in the vicinity of the deepwater port;
- (c) During a fire at the deepwater port, receiving terminal on shore, or aboard a vessel berthed at the deepwater port, unless it is determined by the Port Superintendent that an oil transfer should be resumed as a safety measure;
- (d) Unless there are personnel and equipment at the port, not presently engaged in discharge containment and removal operations, sufficient to contain and remove the discharges specified in § 149.319(a);
- (e) By lighterage, except in bunkering operations, unless otherwise authorized by the Captain of the Port; or
- (f) Unless the weather conditions at the port meet the minimum operating conditions prescribed in the Operations Manual for transferring oil at the port.

§ 150.425 Suspension of oil transfer operations.

(a) The Captain of the Port may order the licensee to suspend oil transfer operations if the Captain of the Port finds that there is a condition requiring immediate action to prevent the discharge or threat of discharge of oil or to protect the safety of life and property.

(b) An order of suspension may be made effective immediately.

(c) The order of suspension states each condition requiring immediate action.

(d) The licensee may petition the District Commander, in writing or in any manner if the order of suspension is effective immediately, to reconsider the order of suspension. The decision of the District Commander is final agency action.

[CGD 75-002, 40 FR 52572, Nov. 10, 1975; 40 FR 58144, Dec. 15, 1975]

Subpart E—Operations

§ 150.500 Applicability.

The rules in this subpart apply to operations at a deepwater port.

§ 150.503 Maintenance of equipment.

(a) The licensee shall maintain each item of equipment required under this subchapter in operative condition or shall replace it with an item in good condition.

(b) The licensee shall maintain each excess item of equipment required under this subchapter in operative condition or shall remove it from service.

§ 150.504 Fire main system.

The licensee may use the fire main system only for firefighting and deckwashing.

§ 150.505 Fire pump.

The licensee shall keep at least one of the fire pumps required by this subchapter ready for use on the fire main system at all times.

§ 150.507

§ 150.507 Firehose: Connection and stowage.

(a) Except as otherwise provided in paragraph (c) of this section, the licensee shall keep at least one length of firehose with a combination nozzle connected to each fire hydrant at all times.

(b) The licensee shall stow each firehose connected to a fire hydrant on a hose rack when not in use.

(c) A firehose in an exposed location may temporarily be removed from an exposed location to protect the firehose from damage during heavy weather.

(d) If the edge of a platform deck is in an exposed location, the licensee shall keep enough lengths of fire hose connected to the hydrant nearest the edge to allow 10 feet of hose, when pressurized, to curve over the edge.

§ 150.508 Lifesaving equipment.

(a) The licensee shall stow each inflatable life raft required by § 149.521 of this subchapter as near as practicable to launching equipment for the life raft.

(b) The licensee shall test lifeboat launching equipment required by § 149.524 of this subchapter immediately after installation in accordance with 46 CFR 94.35-5.

§ 150.509 Use of personal protection equipment.

(a) When any person is in a work area, the licensee shall ensure that such person wears:

(1) Safety shoes that meet the specifications prescribed by the American National Standard Institute (ANSI) Requirements for Men's Safety-Toe Footwear, Z41.1; and

(2) Protective hats that meet the specifications prescribed by the ANSI Safety Requirements for Industrial Head Protection, Z89.1.

(b) When an eye hazard from flying particles or heavy dust exists, the licensee shall ensure that each person in the area of the hazard is wearing eye protection equipment that meets the specifications prescribed by the ANSI Practice for Occupational and Educational Eye and Face Protection, Z87.1.

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(c) When hazardous work is being performed, the licensee shall ensure that any person who wears corrective eye glasses wear eye protection equipment that can be worn over eye glasses, or prescription ground safety lenses that meet the specifications prescribed by the ANSI Practice for Occupational and Educational Eye and Face Protection, Z87.1, if these lenses provide protection against the hazard involved.

(d) When handling hazardous materials the licensee shall ensure that all personnel in the area are wearing suitable protective clothing and equipment.

(e) When any person is exposed to combinations of sound levels and durations exceeding those listed in Table 150.509(e) the licensee shall ensure that the person is wearing ear protection equipment that reduces sound levels to or below the listed levels.

(f) When any person is working over or near the water, the licensee shall ensure that the person wears either a unicellular plastic foam work vest that meets the requirements of 46 CFR 160.053 or a life preserver that meets the requirements of 46 CFR 160.002, 160.005, or 160.055.

TABLE 150.509 MAXIMUM PERMISSIBLE NOISE EXPOSURES¹

Duration per day/hours	Sound level ² (dBA slow response)
8	90
6	92
4	95
3	100
2	103
1½	105
1	110
½	115

¹ When the daily noise exposure is composed of two or more periods of noise exposure of different levels, the combined effect must be considered rather than the individual effect of each. If the sum of the fractions

$$\frac{C_1}{T_1} + \frac{C_2}{T_2} + \dots + \frac{C_n}{T_n}$$

is more than one, then, the mixed exposure exceeds the limit value. (C_n) is the total time of exposure at a specific noise level. (T_n) is the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

² Measured on the A scale of a standard sound level meter at slow response.

Coast Guard, DOT

§ 150.527

(COD 75-002, 40 FR 52572, Nov. 10, 1975; 40 FR 58144, Dec. 15, 1975)

§ 150.511 Maintenance of personal protection equipment.

(a) The licensee shall clean and disinfect eye protection equipment that has been used before it is reissued.

(b) The licensee shall clean and disinfect protective hats that have been worn before they are reissued.

§ 150.513 Sanitation.

The licensee shall ensure that garbage is covered and that no person is working in the vicinity of uncovered garbage or of overboard discharges from sanitary lines that are not protected by a baffle or splash boards.

§ 150.515 Refueling for aircraft.

If the PPC is not equipped with a permanent fueling facility for aircraft, no person may fuel or cause or authorize the fueling of aircraft unless he has received the permission of the Captain of the Port.

§ 150.516 Aircraft operations.

The licensee shall ensure that appropriately clothed and sufficiently qualified fire fighting and rescue personnel to man equipment and effect a rescue are present during aircraft operations.

§ 150.517 Station bill.

(a) The licensee shall post copies of a station bill on each PPC.

(b) The licensee shall designate in writing on the station bill, by title and in order of succession, each person on the PPC who is a person in charge of the PPC for purposes of supervision in an emergency.

(c) The station bill must set forth:

(1) The special duties and duty stations of each person, by name, on the PPC for each emergency listed in the Operations Manual that involves the use or application of equipment required by Part 149 of this chapter; and

(2) The signals for calling persons to their emergency stations and for abandoning the PPC.

§ 150.519 Emergency drills.

The licensee shall conduct each emergency drill specified in the Oper-

ations Manual at least once every 30 days.

§ 150.521 Housekeeping.

(a) The licensee shall keep walking and working areas clear of all loose hazards that could cause tripping or stumbling.

(b) The licensee shall store portable equipment when it is not in use.

(c) The licensee shall eliminate slippery conditions on the platform as soon as practicable.

(d) No person may suspend a portable light by its cord unless the means of attachment of the cord to the light prevents the light from being suspended by the electrical connections.

(e) The licensee shall keep each area near a lifeboat, inflatable life raft, or means of escape described in §§ 149.421 and 149.423 of this chapter clear of obstructions that would interfere with immediate use of the lifeboat, life raft, or means of escape.

§ 150.523 Illumination.

(a) The licensee shall illuminate each walking and working area.

(b) No person may enter any dark place that does not have installed illumination unless he has a flashlight or other suitable portable light.

(c) No person may use matches or open flame lights as illumination.

§ 150.525 Emergency Medical Technician.

The licensee shall ensure that at least one person who holds a certificate of completion of the Department of Transportation, National Highway Traffic Safety Administration Basic Training Course (81 hours), from a state or from the National Registry of Emergency Medical Technicians, is on the PPC at all times.

§ 150.527 First aid station.

(a) The licensee shall ensure each first aid station on a PPC has enough medical supplies and equipment for the Emergency Medical Technician to provide emergency medical care.

(b) The first aid station may not be used for any purpose that prevents its immediate use as a first aid station.

§ 150.601

Subpart F—Aids to Navigation at Deepwater Ports

§ 150.601 Applicability.

The rules in this subpart apply to the operation of aids to navigation at a deepwater port.

§ 150.603 Applicability of other regulations.

Section 66.01-20 of this chapter also applies to aids to navigation at a deepwater port.

§ 150.605 Aids to navigation: power supply.

The licensee shall maintain:

(a) Voltage at every operating lamp of each light at or above the operating voltage listed on the light; and

(b) The input power to the fog signal at or above the minimum input power listed on the fog signal.

§ 150.607 Lights.

(a) The licensee shall display each light required in Part 149 of this subchapter between sunset and sunrise local time.

(b) During construction of a platform or SPM, the licensee shall mark the structure with at least one of the following:

(1) The obstruction lights required in Part 149 of this chapter for the structure.

(2) The fixed lights of a vessel attending the structure.

(3) General illumination lights on the structure that meet or exceed the intensity requirements for the obstruction lights required in Part 149 of this subchapter for the structure.

(c) The licensee shall ensure that each light using a lens is operated with the light source at the focal point of the lens as determined by the means required in § 149.724 of this subchapter.

(d) The licensee shall ensure that the focal plane of each platform obstruction light when operated, and of the rotating lighted beacon when operated, is always coincident with the horizontal plane passing through the light source.

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§ 150.611 Fog signals.

(a) The licensee shall operate the fog signal on each PPC whenever the visibility in any horizontal direction from the structure is less than 5 miles.

(b) During construction of a platform, compliance with paragraph (a) of this section is not required if the PPC is attended by a vessel moored alongside the platform and the vessel sounds a 2 second whistle blast every 20 seconds whenever the visibility in any horizontal direction from the vessel is less than 5 miles.

Subpart G—Reports and Records

§ 150.701 Applicability.

This subpart prescribes reports to be submitted by the licensee and records and other information to be maintained by the licensee.

REPORTS

§ 150.703 Maintenance of ABS classification.

Whenever the licensee submits a report to the American Bureau of Shipping (ABS) that is required for maintenance of SPM class in accordance with ABS Rules for Building and Classing Single Point Moorings, he shall submit a copy of the report to the Commandant, U.S. Coast Guard.

§ 150.705 Aid to navigation discrepancy.

The licensee shall report promptly to the District Commander, by the fastest means of communications available, any discrepancy affecting the proper operation or characteristics of any aid to navigation at the deepwater port, whenever a discrepancy exists. Correction of the discrepancy shall also be reported promptly. The initial discrepancy report must include:

- (a) Name or designation of aid;
- (b) Location of aid;
- (c) Nature of discrepancy; and
- (d) Estimated time of correction.

§ 150.707 Oil throughput report.

(a) Each deepwater port licensee shall mail or deliver to the Administrator of the Deepwater Port Liability Fund, at the address listed in § 137.106

of this chapter, on a monthly basis, beginning the fifteenth day of the month immediately following the commencement of oil transfer operations, and the fifteenth of each month thereafter, a report on the oil throughput of the deepwater port.

(b) The oil throughput report required by paragraph (a) of this section may be submitted in any format but must contain the volume of oil cargo, measured in barrels, loaded or unloaded at the deepwater port during the previous month.

(Secs. 10(a), 18(j)(1), 88 Stat. 2137, 2144 (33 U.S.C. 1509(a), 1517(j)(1)); 49 CFR 1.46) [CGD 79-158, 47 FR 27488, June 24, 1982]

§ 150.711 Casualty or accident.

(a) The licensee shall submit to the Officer-in-Charge, Marine Inspection, a report of casualty or accident whenever any of the following occur:

(1) Any component of a deepwater port which is hit by a vessel and total damage to all property is in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

(2) Damage to the deepwater port in excess of \$25,000.

(3) Material damage affecting the usefulness of lifesaving or fire fighting equipment.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for more than 72 hours, arising from or directly connected with the use or employment of any emergency equipment described in Part 149 of this chapter.

(6) Loss of life or injury causing any person to be incapacitated for a period in excess of 72 hours as a result of diving using underwater breathing apparatus.

(b) The deepwater port casualty or accident report, written in narrative form, must contain the following information:

(1) Name, number, or other designation of the deepwater port.

(2) Names and addresses of the owner, his agent, operator and the person in charge.

(3) Nature and probable cause of the casualty or accident.

(4) Date and time the casualty or accident occurred, if known, otherwise approximately when it occurred.

(5) Details of damage, especially with respect to lifesaving and fire fighting equipment.

(6) Nature and extent of injury to any person.

(7) Names and addresses of persons involved.

(8) Other comments, especially with respect to use or need for emergency equipment.

(9) The vessel casualty reporting requirements relating to alcohol or drug involvement as specified in the vessel casualty reporting requirements of 46 CFR 4.05-12.

(c) In the investigations of casualties and accidents occurring at deepwater ports, the procedures in 46 CFR Part 4 for marine casualties apply.

[CGD 75-002, 40 FR 52572, Nov. 10, 1975, as amended by CGD 76-170a, 45 FR 77434, Nov. 24, 1980; CGD 82-069a, 50 FR 14216, Apr. 11, 1985; CDG 84-099, 52 FR 47533, Dec. 14, 1987]

§ 150.713 Sabotage or subversive activity.

The licensee shall report to the Captain of the Port any evidence of sabotage or subversive activity involving or endangering any vessel at the deepwater port, or the deepwater port, immediately, by the fastest possible means of communication upon discovery. Written confirmation must follow.

RECORDS

§ 150.751 General.

(a) The licensee shall maintain copies of all reports, records, test and inspection results, and operating data required by these rules in a manner suitable for Coast Guard inspection at the deepwater port or an adjacent on-shore facility.

(b) Except as specified in §§ 150.753 through 150.759, these copies must be maintained for three years.

§ 150.753 Key personnel: Designations and qualifications.

The licensee shall retain documentation of the designation and qualifica-

§ 150.755

tions of key port personnel for the duration of each individual's employment at the port. The documentation must include:

- (a) Designations required by §§ 150.205 through 150.215; and
- (b) Qualifications of personnel required by §§ 150.205 through 150.215.

§ 150.755 Port inspection records.

(a) The licensee shall maintain a record of all machinery, both fixed and portable, such as generators, cargo pumps, fire pumps, and discharge containment and removal systems. This record must contain, for each piece of machinery:

- (1) Nameplate and general descriptive data;
- (2) Serial number;
- (3) Location and purpose; and
- (4) Record of tests and inspections.

(b) The licensee shall maintain a record of all fire fighting, lifesaving, and other emergency equipment, such as fire hoses, nozzles, applicators, fire extinguishers, life rafts, life preservers, and alarm systems. This record must contain, for each piece of emergency equipment:

- (1) Nameplate and general descriptive data;
- (2) Serial number;
- (3) Location and purpose; and
- (4) Record of tests and inspections.

(c) The licensee shall retain for one year a record of each monthly emergency drill required by § 150.519. The record must contain the date, time, and signature of the person in charge at the time of the drill.

(d) The licensee shall retain for three years a record of each test and inspection performed by port personnel. The record must contain the date and results of the test or inspection and the signature of the person conducting the test or inspection. These tests and inspections include, but are not limited to, those required in §§ 150.405 through 150.409 for oil transfer systems, discharge containment equipment, and discharge removal material and equipment, and those required for maintenance of ABS Classification, as specified in the "Rules for Building and Classing of Single Point Moorings," published by the American Bureau of Shipping.

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§ 150.757 Oil throughput log.

The licensee shall maintain an oil throughput log, from which the report of oil throughput required by § 150.707 is prepared. Records in this log must be retained for three years, and must specify for each oil transfer operation:

- (a) Vessel name, nationality, owner, and date of arrival;
- (b) Country of origin of crude oil; and
- (c) Total quantity in barrels of oil transferred.

§ 150.759 Declaration of inspection.

The licensee shall retain signed copies of the declaration of inspection forms required by § 150.417 for one month from date of signature.

APPENDIX A—DEEPWATER PORT SAFETY ZONE BOUNDARIES

I. *Purpose.* This appendix contains a general description of the deepwater port safety zone designated and developed during the license application review process for each deepwater port that has been authorized for construction and operation off the United States coastline. Annexes show, to the nearest second of latitude and longitude, the geographical boundaries of each resultant safety zone. (Shipping safety fairways associated with the Deepwater Ports are described in Part 166 of this Title.)

The regulations in Subpart C of this part concerning vessel navigation and activities permitted and prohibited at U.S. deepwater ports apply only in the safety zone areas and adjacent waters and supplement the International Regulations for Preventing Collisions at Sea.

II. *Authority.* Section 10(d) of the Deepwater Port Act of 1974 (88 Stat. 2138 (16 U.S.C. 1509(d))) and Section 4(c) of the Ports and Waterways Safety Act, as amended (33 U.S.C. 1223(c)); 49 CFR 1.46.

III. *General.* Deepwater port safety zones are established to promote safety of life and property, marine environmental protection and navigational safety at any deepwater port and adjacent waters. In a deepwater port safety zone no installations, structures or uses that are incompatible with port operations are permitted. The configuration of each designated safety zone is depicted on current editions of the navigational charts that cover the deepwater port area.

IV. *Modifications.* Safety zone boundaries are subject to modification as experience gained in U.S. deepwater port operations

Modifications will be made only after due notification and consideration of the views of interested persons.

V. Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

**ANNEX A—LOOP, INC. DEEPWATER PORT,
GULF OF MEXICO**

(a) Deepwater Port Safety Zone:

(1) Starting at:

Latitude N.	Longitude W.
28°55'23"	90°00'37"

(2) A rhumb line to

28°53'50"	90°04'07"
-----------	-----------

(3) Then an arc with a 4,465 meter radius centered at the port pumping platform complex (PPC),

Latitude N.	Longitude W.
28°53'06"	90°01'30"

(4) To a point

28°51'08"	89°59'55"
-----------	-----------

(5) Then a rhumb line to

28°48'36"	89°55'00"
-----------	-----------

(6) Then a rhumb line to

28°52'04"	89°52'42"
-----------	-----------

(7) Then a rhumb line to

Latitude N.	Longitude W.
28°54'05"	89°56'38"

(8) Then a rhumb line to

28°52'11"	89°57'47"
-----------	-----------

(9) Then a rhumb line to

28°52'51"	89°58'48"
-----------	-----------

(10) Then an arc with a 4,465 meter radius centered again at the port, PPC,

28°53'06"	90°01'30"
-----------	-----------

(11) To the point of starting,

28°55'23"	90°00'37"
-----------	-----------

(b) *Areas to be Avoided.* The seven areas within the safety zone to be avoided are as follows:

(1) The area encompassed within a circle having a 600 meter radius around the port PPC and centered at:

Latitude N.	Longitude W.
28°53'06"	90°01'30"

(2) The six areas encompassed within a circle having a 500 meter radius around each single point mooring (SPM) at the port and centered at:

Latitude N.	Longitude W.
28°54'12"	90°00'37"

28°53'16"	89°59'59"
-----------	-----------

28°52'15"	90°00'19"
-----------	-----------

28°51'45"	90°01'25"
-----------	-----------

28°52'08"	90°02'33"
-----------	-----------

28°53'07"	90°03'02"
-----------	-----------

(c) *Anchorage Area.* The area within the safety zone enclosed by rhumb lines joining points at:

Latitude N.	Longitude W.
28°52'21"	89°57'47"

28°54'05"	89°56'38"
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28°52'04"	89°52'42"
-----------	-----------

28°50'20"	89°53'51"
-----------	-----------

28°52'21"	89°57'47"
-----------	-----------

(Sec. 10(a)(b)(d), 88 Stat. 2137-38 (33 U.S.C. 1509(a)(b)(d)); Sec. 4, 92 Stat. 1473-74 (33 U.S.C. 1223); 49 CFR 1.46)

[CGD 76-096, 45 FR 85649, Dec. 29, 1980, as amended by CGD 85-044, 50 FR 26990, July 1, 1985; CGD 86-082, 52 FR 33811, Sept. 8, 1987]

SUBCHAPTER O—POLLUTION**PART 151—VESSELS CARRYING OIL,
NOXIOUS LIQUID SUBSTANCES,
GARBAGE AND MUNICIPAL OR
COMMERCIAL WASTE****Subpart A—Implementation of MARPOL 73/78****GENERAL**

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OIL POLLUTION

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GARBAGE POLLUTION

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151.75 Grinders or comminutors.
151.77 Exceptions for emergencies.

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SUMMARY OF GARBAGE DISCHARGE RESTRICTIONS****Subpart B—Transportation of Municipal and Commercial Waste**

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**Subpart A—Implementation of
MARPOL 73/78****GENERAL**

AUTHORITY: 33 U.S.C. 1321(j)(1)(C), 1902(c), and 1903(b); E.O. 11735; 49 CFR 1.46.

SOURCE: CGD 75-124a, 48 FR 45709, Oct. 6, 1983, unless otherwise noted.

§ 151.01 Purpose.

The purpose of this subpart is to implement the Act to Prevent Pollution

from Ships, 1980, as amended (33 U.S.C. 901-1911) and Annexes I, II and V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), done at London on February 17, 1978.

NOTE MARPOL 73/78 is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. Please include reference number "ADA 168 505" in your request.

[CGD 88-002, 54 FR 18403, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE At 55 FR 18582, May 2, 1990, § 151.01 was amended by adding the word "subpart" to replace the word "part," effective July 31, 1990.

§ 151.03 Applicability.

This subpart applies to each ship that must comply with Annex I, II or V of MARPOL 73/78.

[CGD 88-002, 54 FR 18403, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE By CGD 88-002A, 55 FR 18582, May 2, 1990, § 151.03 was amended by adding the word "subpart" to replace the word "part," effective July 31, 1990.

§ 151.04 Penalties for violation.

(a) A person who violates MARPOL 73/78, the Act, or the regulations of this subpart is liable for a civil penalty not to exceed \$25,000 for each violation, as provided by 33 U.S.C. 1908(b)(1). Each day of a continuing violation constitutes a separate violation.

(b) A person who makes a false, fictitious statement or fraudulent representation in any matter in which a statement or representation is required to be made to the Coast Guard under MARPOL 73/78, the Act, or the regulations of this subpart, is liable for a civil penalty not to exceed \$5,000 for each statement or representation, as provided by 33 U.S.C. 1908(b)(2).

(c) A person who knowingly violates MARPOL 73/78, the Act, or the regulations of this subpart, is liable for a fine for each violation of not more than \$50,000 dollars, or imprisonment

for not more than 5 years, or both, as provided by 33 U.S.C. 1908(a).

(d) A ship operated in violation of MARPOL 73/78, the Act, or the regulations of this subpart is liable *in rem* for any civil penalty covered by paragraph (a) of this section, or any fine covered by paragraph (b) of this section, and may be proceeded against in the United States District Court of any district in which the ship may be found.

[CGD 88-002, 54 FR 18403, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.04, paragraphs (a), (b), (c) and (d) were amended by adding the word "subpart" to replace the word "part," effective July 31, 1990.

§ 151.05 Definitions.

As used in this subpart—

"Act" means the Act to Prevent Pollution from Ships, as amended (33 U.S.C. 1901-1911).

"Cargo associated wastes" means all materials which have become wastes as a result of use on board a ship for cargo stowage and handling. Cargo associated wastes include, but are not limited to dunnage, shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire, and steel strapping.

"Clean ballast" means the ballast in a tank which, since oil was last carried therein, has been so cleaned that effluent therefrom, if it were discharged from a ship that is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If the ballast is discharged through an oil discharge monitoring and control system approved by the government of the country under whose authority the ship is operating, evidence based on such a system, to the effect that the oil content of the effluent does not exceed 15 parts per million (ppm) is determinative that the ballast is clean.

"Commandant" means Commandant, U.S. Coast Guard.

"Discharge" means any release, however caused, from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include—

(1) Dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on 13 November 1972; or

(2) Release of oil or oily mixtures directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

"Discharge," as defined by MARPOL 73/78 in relation to harmful substances or effluent containing such substances, means any release however caused from a ship, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include—

(1) Dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London on November 13, 1972; or

(2) The release of harmful substances directly arising from the exploration, exploitation, and associated offshore processing of seabed mineral resources; or

(3) The release of harmful substances for purposes of legitimate scientific research relating to pollution abatement or control.

"Dishwater" means the liquid residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food particles adhering to them would not normally interfere with the operation of automatic dishwashers.

"Domestic wastes" means all types of wastes generated in the living spaces on board a ship, except victual wastes.

"Existing ship" means a ship that is not a new ship.

"Garbage" means all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically, except dishwater, graywater, and those substances that are defined or

listed in other Annexes to MARPOL 73/78.

"Graywater" means drainage from dishwasher, shower, laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and cargo spaces.

"Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities, or interfere with other legitimate uses of the sea, and includes any substance subject to control by MARPOL 73/78.

"High viscosity Category B NLS" means any Category B NLS having a viscosity of at least 25 mPa.s at 20° C and at least 25 mPa.s at the time it is unloaded.

"High viscosity Category C NLS" means any Category C NLS having a viscosity of at least 60 mPa.s at 20° C and at least 60 mPa.s at the time it is unloaded.

"High viscosity NLS" includes Category A NLSs having a viscosity of at least 25 mPa.s at 20° C and at least 25 mPa.s at the time they are unloaded, high viscosity Category B NLSs, and high viscosity Category C NLSs.

"Instantaneous rate of discharge of oil content" means the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant.

"Length" means the horizontal distance between the foremost part of a ship's stem to the aftermost part of its stern, excluding fittings and attachments.

"Maintenance waste" means materials collected while maintaining and operating the ship, including, but not limited to, soot, machinery deposits, scraped paint, deck sweepings, wiping wastes, and rags.

"Major conversion" means a conversion of an existing ship—

(1) That substantially alters the dimensions or carrying capacity of the ship; or

(2) That changes the type of the ship; or

(3) The intent of which, in the opinion of the government of the country under whose authority the ship is operating, is substantially to prolong its life; or

(4) Which otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of MARPOL 73/78 not applicable to it as an existing ship.

"MARPOL 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

"Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes and potentially contaminated laboratory wastes, dialysis wastes, and such additional medical items as prescribed by the Administrator of the EPA by regulation.

"Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of these regulations, "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in—

latitude 11°00' South, longitude 142°08' East to a point in—latitude 10°35' South, longitude 141°55' East, thence to a point—latitude 10°00' South, longitude 142°00' East, thence to a point—latitude 9°10' South, longitude 143°52' East, thence to a point—latitude 9°00' South, longitude 144°30' East, thence to a point—latitude 13°00' South, longitude 144°00' East, thence to a point—latitude 15°00' South, longitude 146°00' East, thence to a point—latitude 18°00' South, longitude 147°00' East, thence to a point—latitude 21°00' South, longitude 153°00' East, thence to a point on the coast of Australia in latitude 24°42' South, longitude 153°15' East.

"New ship" means a ship—

(1) For which the building contract is placed after December 31, 1975; or

(2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after June 30, 1976; or

(3) The delivery of which is after December 31, 1979; or

(4) That has undergone a major conversion—

(i) For which the contract is placed after December 31, 1975;

(ii) In the absence of a contract, the construction work of which is begun after June 30, 1976; or

(iii) That is completed after December 31, 1979.

"NLS Certificate" means an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued under MARPOL 73/78.

"Noxious liquid substance" (NLS) means—

(1) Each substance listed in § 151.47 or § 151.49;

(2) Each substance having an "A", "B", "C", or "D" beside its name in the column headed "Pollution Category" in Table 1 of 46 CFR Part 153; and

(3) Each substance that is identified as an NLS in a written permission issued under 46 CFR 153.900 (d).

"Oceangoing" ship means a ship that—

(1) Is operated under the authority of the United States and engages in international voyages;

(2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in § 2.05 of this chapter; or

(5) Is operated under the authority of a country other than the United States.

NOTE: A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters, or exclusively on the internal waters of the United States and Canada; is not an "oceangoing" ship.

"Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse, and refined products. "Oil" does not include animal or vegetable based oil nor does it include noxious liquid substances designated under Annex II of MARPOL 73/78.

"Oil-like NLS" means each cargo listed in § 151.49.

"Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Annex II of MARPOL 73/78 when it is carrying a cargo or part cargo of oil in bulk.

"Oily mixture" means a mixture with any oil content, including bilge slops, oily wastes, oil residues (sludge), oily ballast water, and washings from cargo oil tanks.

"Operational waste" means all cargo associated waste, maintenance waste, cargo residues, and ashes and clinkers from shipboard incinerators and coal burning boilers.

"Person" means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

"Plastic" means any garbage that is solid material that contains as an essential ingredient one or more synthetic organic high polymers and is formed or shaped during either manufacture of the polymer or fabrication into a finished product by heat or pressure or both.

NOTE: Plastics possess material properties ranging from hard and brittle to soft and elastic. Plastics are used for a variety of marine applications including, but not limited to: food wrappings, personal hygiene products, packaging (vaporproof barriers, bottles, containers, liners), ship construction (fiberglass and laminated structures, siding, piping insulation, flooring, carpets, fabrics, adhesives, electrical and electronic components), disposable eating utensils and cups (including styrene products), bags, sheeting, floats, synthetic fishing nets, monofilament fishing line, strapping bands, hardhats, synthetic ropes and lines. "Degradable" plastics which are composed of combinations of degradable starches and either synthetically produced, or naturally produced plastics which are harvested for the use of man, are considered plastics for the purpose of these regulations.

"Port" means—

(1) A group of terminals that combines to act as a unit and be considered a port for the purposes of this subpart;

(2) A port authority or other organization that chooses to be considered a port for the purposes of this subpart; or

(3) A place or facility that has been specifically designated as a port by the COTP.

"Prewash" means a tank washing operation that meets the procedure in 46 CFR 153.1120.

"Recognized Classification Society" means a classification society that is a participating member of the International Association of Classification Societies (IACS).

"Residues and mixtures containing NLSs" (NLS residue) means—

(1) Any Category A, B, C, or D NLS cargo retained on the ship because it fails to meet consignee specifications;

(2) Any part of a Category A, B, C, or D NLS cargo remaining on the ship after the NLS is discharged to the consignee, including but not limited to puddles on the tank bottom and in sumps, clingage in the tanks, and substance remaining in the pipes; or

(3) Any material contaminated with Category A, B, C, or D NLS cargo, including but not limited to bilge slops, ballast, hose drip pan contents, and tank wash water.

"Segregated ballast" means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Annexes of MARPOL 73/78.

"Ship" means a vessel of any type whatsoever, operating in the marine environment. This includes hydrofoils, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating drilling rigs and other platforms.

"Solidifying NLS" means a Category A, B, or C NLS that has a melting point—

(1) Greater than 0 °C but less than 15 °C and a temperature, measured under the procedure in 46 CFR 153.908(d), that is less than 5 °C above its melting point at the time it is unloaded; or

(2) 15 °C or greater and a temperature, measured under the procedure in 46 CFR 153.908(d), that is less than 10 °C above its melting point at the time it is unloaded.

"Special area" means a sea area, where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by oil, NLS, or garbage is required. Special areas for the purposes of Annex I of MARPOL 73/78 include those listed in § 151.13 and for the purposes of Annex V of MARPOL 73/78 include those listed in § 151.53.

"Terminal" means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

NOTE: The Coast Guard interprets commercial fishing facilities, recreational boating facilities, and mineral and oil industry shorebases to be terminals for the purposes of Annex V of MARPOL 73/78, since these facilities normally provide wharfage and other services, including garbage handling, for ships.

"U.S. inspected ships" means those ship required to be inspected and certificated under 46 CFR 2.01-7.

"Victual waste" means any spoiled or unspoiled food waste.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983; 48 FR 54977, Dec. 8, 1983, as amended by CGD 85-010, 52 FR 7758, Mar. 12, 1987; CGD 88-002, 54 FR 18403, Apr. 28, 1989; CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.05, the introductory text and paragraphs (1) and (2) of the definition of the term "Port" were amended by adding the word "subpart" to replace the word "part," the second definitions of the terms "Special area" and "Terminal" were removed, the definitions of the terms "Act" and "Length" were added, and all defined terms were arranged in alphabetical order, effective July 31, 1990. For the convenience of the user, the superseded text appears as follows:

§ 151.05 Definitions.

"Special area" means a sea area, where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic,

the adoption of special mandatory methods for the prevention of sea pollution by oil is required. Special areas include those listed in § 151.13.

"Terminal" means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

§ 151.07 Delegations.

Each Coast Guard official designated as a Captain of the Port (COTP) or Officer in Charge, Marine Inspection (OCMI) or Commanding Officer, Marine Safety Office (MSO), is delegated the authority to—

(a) Issue International Oil Pollution Prevention (IOPP) Certificates;

(b) Detain or deny entry to ships not in substantial compliance with MARPOL 73/78 or not having an IOPP Certificate or evidence of compliance with MARPOL 73/78 on board;

(c) Receive and investigate reports under § 151.15; and

(d) Issue subpoenas to require the attendance of any witness and the production of documents and other evidence, in the course of investigations of potential violations of the Act to Prevent Pollution from Ships, as amended (33 U.S.C. 1901-1911), this subpart, or MARPOL 73/78.

[CGD 88-002, 54 FR 18404, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.07, paragraph (d) was amended by adding the word "subpart" to replace the word "part," effective July 31, 1990.

§ 151.08 Denial of entry.

(a) Unless a ship is entering under force majeure, no oceangoing tanker or any other oceangoing ship of 400 gross tons or more required by § 151.10 to retain oil or oily residues and mixtures on board while at sea, and no oceangoing ship carrying a Category A, B, or C NLS cargo or NLS residue in cargo tanks that are required to be prewashed under 46 CFR Part 153,

§ 151.09

may enter any port or terminal under § 158.110(a) of this chapter unless the port or terminal has a Certificate of Adequacy, as defined in § 158.120 of this chapter.

(b) A COTP may deny the entry of a ship to a port or terminal under § 158.110(b) if—

(1) The port or terminal does not have a Certificate of Adequacy, as required in § 158.135 of this chapter; or

(2) The port or terminal is not in compliance with the requirements of Subpart D of Part 158.

[CGD 88-002, 54 FR 18404, Apr. 28, 1989]

OIL POLLUTION

SOURCE: Sections 151.09–151.25 appear by CGD 75-124a, 48 FR 45709, Oct. 6, 1983, unless otherwise noted.

§ 151.09 Applicability.

(a) Except as provided in paragraph (b) of this section, §§ 151.09 through 151.25 apply to each ship that—

(1) Is operated under the authority of the United States and engages in international voyages;

(2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three nautical miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in § 2.05-10 of this chapter; or

(5) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

(b) Sections 151.09 through 151.25 do not apply to—

(1) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in noncommercial service;

(2) A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters;

(3) A Canadian or U.S. ship being operated exclusively on the internal

waters of the United States and Canada; or

(4) Any other ship specifically excluded by MARPOL 73/78.

NOTE: The term "internal waters" is defined in § 2.05-20 of this chapter.

[CGD 88-002, 54 FR 18404, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.09, the introductory text of paragraph (a) was amended by adding the phrase "§§ 151.09 through 151.25 apply" to replace the phrase "this subpart applies," and the introductory text of paragraph (b) was amended by adding the phrase "Sections 151.09 through 151.25 do" to replace the phrase "This subpart does," effective July 31, 1990.

§ 151.10 Control of discharge of oil.

(a) When more than 12 nautical miles from the nearest land, any discharge of oil or oily mixtures into the sea from a ship other than an oil tanker or from machinery space bilges of an oil tanker is prohibited except when all of the following conditions are satisfied—

(1) The oil or oily mixture does not originate from cargo pump room bilges;

(2) The oil or oily mixture is not mixed with oil cargo residues;

(3) The ship is not within a special area;

(4) The ship is proceeding enroute;

(5) The oil content of the effluent without dilution is less than 100 parts per million (ppm); and

(6) The ship has in operation oily-water separating equipment, a bilge monitor, bilge alarm, or combination thereof as required by Part 155 Subpart B of this chapter.

(b) When within 12 nautical miles of the nearest land, any discharge of oil or oily mixtures into the sea from a ship other than an oil tanker or from machinery space bilges of an oil tanker is prohibited except when all of the following conditions are satisfied—

(1) The oil or oily mixture does not originate from cargo pump room bilges;

(2) The oil or oily mixture is not mixed with oil cargo residues;

(3) The oil content of the effluent without dilution does not exceed 15 ppm;

(4) The ship has in operation oily-water separating equipment, a bilge monitor, bilge alarm, or combination thereof as required by Part 155 Subpart B of this chapter; and

(5) The oily-water separating equipment is equipped with a 15 ppm bilge alarm; for U.S. inspected ships, approved under 46 CFR 162.050 and for U.S. uninspected ships and foreign ships, either approved under 46 CFR 162.050 or listed in the current International Maritime Organization (IMO) Marine Environment Protection Committee (MEPC) Circular summary of MARPOL 73/78 approved equipment.

NOTE: In the navigable waters of the United States, the Federal Water Pollution Control Act (FWPCA), section 311(b)(3) and 40 CFR Part 110 govern all discharges of oil or oily-mixtures.

(c) The cargo related oil residues of an oil tanker, including residues from cargo pump room bilges and all oil residues mixed with oil cargo residues shall not be discharged overboard except as provided for in Part 157 of this chapter.

(d) When more than 12 nautical miles from the nearest land, any discharge of oil or oily mixtures into the sea from a ship other than an oil tanker or from machinery space bilges of an oil tanker; that is not proceeding enroute; shall be in accordance with paragraphs (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5) of this section.

(e) The provisions of paragraphs (a), (b), (c) and (d) of this section do not apply to the discharge of clean or segregated ballast.

(f) The person who is in charge of an oceangoing ship that cannot discharge oil residues into the sea in compliance with paragraphs (a), (b), (c) or (d) of this section shall ensure that those residues are—

(1) Retained on board; or

(2) Discharged to a reception facility. If the reception facility is in a port or terminal in the United States, each person who is in charge of each oceangoing tanker or any other oceangoing ship of 400 gross tons or more shall notify the port or terminal, at least 24

hours before entering the port or terminal, of—

(i) The estimated time of day the ship could discharge residues and mixtures containing oil;

(ii) The type of residues and mixtures containing oil to be discharged; and

(iii) The volume of residues and mixtures containing oil to be discharged.

NOTE: There are Federal, state, or local laws or regulations that could require a written description of the residues and mixtures containing oil to be discharged. For example, a residue or mixture containing oil might have a flashpoint less than 60°C (140°F) and thus have the characteristic of ignitability under 40 CFR 261.21, which might require a description of the waste for a manifest under 40 CFR Part 262, Subpart B. Occupational safety and health concerns may be covered, as well as environmental ones.

The notice required in this section is in addition to those required by other Federal, state, and local laws and regulations. Affected persons should contact the appropriate Federal, state, or local agency to determine whether other notice and information requirements, including 40 CFR Parts 262 and 263, apply to them.

(g) No discharge into the sea shall contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.

(h) This section does not apply to a fixed or floating drilling rig or other platform that is operating under a National Pollutant Discharge Elimination System (NPDES) permit.

(i) The provisions of paragraphs (a)(6), (b)(4) and (b)(5) of this section do not apply to existing ships until October 2, 1986.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983, as amended by CGD 78-035, 50 FR 36793, Sept. 9, 1985. Redesignated by CGD 88-002, 54 FR 18404, Apr. 28, 1989]

§ 151.11 Exceptions for emergencies.

(a) Sections 151.10 and 151.13 do not apply to—

(1) The discharge into the sea of oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea.

(2) The discharge into the sea of oil or oily mixture resulting from damage to a ship or its equipment—

(i) Provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) Except if the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result.

(b) [Reserved]

[CGD 75-134a, 48 FR 45709, Oct. 6, 1983, as amended by CGD 88-002, 54 FR 18404, Apr. 28, 1989]

§ 151.13 Special areas for Annex I of MARPOL 73/78.

(a) For the purposes of §§ 151.09 through 151.25, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, and the Gulfs Area that are defined as follows:

(1) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein, with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36'W.

(2) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8'N.

(3) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean Sea and the Black Sea constituted by the parallel 41°N.

(4) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras al Ane (12°8.5'N, 43°19.6'E) and Husn Murad (12°40.4'N, 43°30.2'E).

(5) The Gulfs Area means the sea area located northwest of the rhumb line between Ras al Hadd (22°30'N, 59°48'E) and Ras al Pasteh (25°04'N, 61°25'E).

(b) Subject to the provisions of § 151.11—

(1) Any discharge into the sea of oil or oily mixtures from any oil tanker, and from any ship of 400 gross tons

and above other than an oil tanker, is prohibited while in a special area;

(2) Any discharge into the sea of oil or oily mixture from a ship of less than 400 gross tons, other than an oil tanker, is prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or, alternatively, when all of the following conditions are satisfied—

(i) The ship is proceeding enroute;

(ii) The oil content of the effluent is less than 100 ppm; and

(iii) The discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land.

(c) The provisions of paragraph (b) of this section do not apply to the discharge of clean or segregated ballast.

(d) The provisions of paragraph (b)(1) of this section do not apply to the discharge of processed bilge water from machinery space bilges, provided that all of the following conditions are satisfied—

(1) The bilge water does not originate from cargo pump room bilges;

(2) The bilge water is not mixed with oil cargo residues;

(3) The ship is proceeding enroute;

(4) The oil content of the effluent without dilution does not exceed 15 ppm;

(5) The ship has in operation oily-water separating equipment complying with Part 155 of this chapter; and

(6) The oily-water separating equipment is equipped with a device that stops the discharge automatically when the oil content of the effluent exceeds 15 ppm.

(e) No discharge into the sea shall contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this section.

(f) The oil residues that cannot be discharged into the sea in compliance with paragraphs (b), (c), or (d) of this section shall be retained on board or discharged to reception facilities.

(g) Nothing in this section prohibits a ship on a voyage, only part of which is in a special area, from discharging outside the special area in accordance with § 151.10.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983; 48 FR 54977, Dec. 8, 1983, as amended by CGD 88-002, 54 FR 18404, Apr. 28, 1989; CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.13, the introductory text of paragraph (a) was amended by adding the phrase "§ 151.09 through 151.25" to replace the phrase "this subpart," effective July 31, 1990.

§ 151.15 Reporting requirements.

(a) The Master or other person having charge of a ship involved in an incident referred to in paragraph (e) of this section, shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this section.

(b) In the event of the ship referred to in paragraph (a) of this section being abandoned, or in the event of a report from such ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agents shall, to the fullest extent possible assume the obligations placed upon the Master or other person having charge of the ship under the provisions of this section.

(c) Each report shall be made by radio whenever possible, but in any case by the fastest available means at the time the report is made.

(d) Reports shall be directed to the appropriate officer or agency of the government of the country in whose waters the incident occurs. Additionally, for incidents involving U.S. ships, the reports shall be directed to either the nearest Coast Guard Captain of the Port (COTP) or to the National Response Center (NRC), toll free telephone number 800-424-8802, telex number 892427.

(e) The report shall be made whenever an incident involves—

(1) A discharge other than as permitted under this part; or

(2) A discharge permitted under this part by virtue of the fact that—

(i) It is for the purpose of securing the safety of a ship or saving life at sea; or

(ii) It results from damage to the ship or its equipment; or

(3) The probability of a discharge referred to in paragraphs (e)(1) or (e)(2) of this section.

(f) Each report shall contain—

(1) The identity of the ship;

(2) The time and date of the occurrence of the incident;

(3) The geographic position of the ship when the incident occurred;

(4) The wind and sea condition prevailing at the time of the incident;

(5) Relevant details respecting the condition of the ship; and

(6) A statement or estimate of the quantity of oil or oily mixtures discharged or likely to be discharged into the sea.

(g) Each person who is obligated under the provisions of this section to send a report shall—

(1) Supplement the initial report, as necessary, with information concerning further developments; and

(2) Comply as fully as possible with requests from affected countries for additional information concerning the incident.

(h) A report made under this section will satisfy the reporting requirement of § 153.203 of this chapter.

§ 151.17 Surveys.

(a) Every U.S. oil tanker of 150 gross tons and above, and every other U.S. ship of 400 gross tons and above; that is required to have an International Oil Pollution Prevention (IOPP) Certificate on board and to which this part applies, except as provided for in paragraphs (b) and (d) of this section; is subject to the following surveys conducted by the Coast Guard—

(1) An initial survey, conducted before the ship is put in service or before an IOPP Certificate required under § 151.19 is issued for the first time; this survey includes a complete examination of its structure, equipment, systems, fittings, arrangements and material in so far as the ship is covered by this chapter.

(2) Periodic renewal surveys conducted at intervals corresponding with the renewal of the IOPP Certificates. The purpose of the survey is to determine whether the structure, equipment, systems, fittings, arrangements, and material comply with the requirements of Parts 155 and 157 of this chapter.

(3) Annual surveys for inspected ships conducted as close as practicable to twelve (12) and thirty-six (36) months from the date of issuance of the IOPP Certificate, and not more than two months prior to or later than these twelve and thirty-six month dates; this survey is to determine that the oily-water separating equipment and associated pumps and piping systems remain satisfactory for the service intended, and that no unauthorized alterations have been made, and is to be endorsed on the IOPP Certificate.

(4) Intermediate surveys for inspected ships conducted as close as practicable to twenty-four (24) months from the date of issuance of the IOPP Certificates, and not more than six months prior to or later than that twenty-four month date; this survey is to determine whether the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, and oily-water separating equipment comply with the requirements of Parts 155 and 157 of this chapter, and are in good working order, and is to be endorsed on the IOPP Certificate.

(5) Intermediate surveys for uninspected ships conducted as close as practicable to thirty (30) months from the date of issuance of the IOPP Certificate, and not more than six months prior to or later than that thirty month date; this survey is to determine whether the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, and oily-water separating equipment comply with the requirements of Parts 155 and 157 of this chapter, and are in good working order, and is to be endorsed on the IOPP Certificate.

(b) Every U.S. inspected oil tanker of 150 gross tons and above, and every other U.S. inspected ship of 400 gross tons and above; that is not required to have an IOPP Certificate on board is subject to the following surveys to be conducted by the Coast Guard—

- (i) An initial survey conducted—
- (i) Before the ship is put in service;
- (ii) For new ships that are in service prior to October 2, 1983, in conjunction with either their first inspection,

for issuance of a Coast Guard Certificate of Inspection, or reinspection, whichever occurs first after October 2, 1983; or

(iii) For existing ships that are in service prior to October 2, 1983, in conjunction with either their first inspection, for issuance of a Coast Guard Certification of Inspection, or reinspection, whichever occurs first after October 2, 1984.

(2) All other surveys are conducted concurrently with either inspections for certification or required reinspections.

(c) After any survey of a ship under this section has been completed, no significant change may be made in the construction, equipment, fittings, arrangements or material covered by the survey without the sanction of the COTP or OCMI except for the direct replacement of such equipment or fittings.

(d) Fixed and floating drilling rigs and other platforms, barges, and uninspected ships; that are not required to have an IOPP Certificate on board are not required to be surveyed under this section.

§ 151.19 International Oil Pollution Prevention (IOPP) Certificates.

(a) Each U.S. oil tanker of 150 gross tons and above and each other U.S. ship of 400 gross tons and above; that engages in voyages to ports or offshore terminals under the jurisdiction of other parties to MARPOL 73/78 must have on board a valid International Oil Pollution Prevention (IOPP) Certificate.

(b) Each oil tanker of 150 gross tons and above and each other ship of 400 gross tons and above, operated under the authority of a country other than the United States that is party to MARPOL 73/78, must have on board a valid IOPP Certificate.

(c) An IOPP Certificate is issued by a COTP or OCMI after a satisfactory survey in accordance with the provisions of § 151.17.

(d) The Supplement to the IOPP Certificate is a part of the IOPP Certificate and must remain attached to that Certificate. If the Supplement

the Certificate is changed, a new IOPP Certificate will be required.

(e) The IOPP Certificate for each U.S. inspected ship is valid for a period not to exceed four years from the date of issue, and for each U.S. uninspected ship the IOPP Certificate is valid for a period not to exceed five years from the date of issue, except as follows—

(1) A Certificate ceases to be valid if significant alterations have taken place in the construction, equipment, fittings, or arrangements required by the pollution prevention requirements of Parts 155 or 157 of this chapter without the approval of the COTP or the OCMI.

(2) A Certificate Ceases to be valid if intermediate surveys as required by § 151.17 of this part are not carried out.

(3) A Certificate issued to a ship ceases to be valid upon transfer of the ship to the flag of another country.

(f) Paragraphs (a) and (b) of this section do not apply to "existing ships" until October 2, 1984.

(Approved by the Office of Management and Budget under control number 2115-0525)

§ 151.21 Ships of countries not party to MARPOL 73/78.

(a) Each oil tanker of 150 gross tons and above and each other ship of 400 gross tons and above, operated under the authority of a country not a party to MARPOL 73/78, must have on board valid documentation showing that the ship has been surveyed in accordance with and complies with the requirements of MARPOL 73/78. Evidence of compliance may be issued by either the government of a country or a recognized classification society.

(b) Evidence of compliance must contain all of the information in, and have substantially the same format as, the IOPP Certificate.

(Approved by the Office of Management and Budget under control number 2115-0526)

§ 151.22 Inspection for compliance and enforcement.

(a) While at a port or terminal under the jurisdiction of the United States, a ship is subject to inspection by the Coast Guard—

(1) To determine that a valid IOPP Certificate is on board and that the condition of the ship and its equipment corresponds substantially with the particulars of the IOPP Certificate;

(2) To determine that evidence of compliance with MARPOL 73/78, as required by § 151.21 is on board and that the condition of the ship and its equipment corresponds substantially with the particulars of this evidence of compliance;

(3) To determine whether a ship has been operating in accordance with and has not discharged any oil or oily mixtures in violation of the provisions of MARPOL 73/78 or this subchapter;

(4) To determine whether a ship has discharged oil or oily mixtures anywhere in violation of MARPOL 73/78, upon request from a party to MARPOL 73/78 for an investigation when the requesting party has furnished sufficient evidence to support a reasonable belief that a discharge has occurred.

(b) A ship that does not comply with the requirements of Parts 151, 155 and 157 of this chapter, or where the condition of the ship or its equipment does not substantially agree with the particulars of the IOPP Certificate or other required documentation, may be detained by order of the COTP or OCMI, at the port or terminal where the violation is discovered until, in the opinion of the detaining authority, the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment. The detention order may authorize the ship to proceed to the nearest appropriate available shipyard rather than remaining at the place where the violation was discovered.

(c) An inspection under this section may include an examination of the Oil Record Book, the oil content meter continuous records, and a general examination of the ship. A copy of any entry in the Oil Record Book may be made and the Master of the ship may be required to certify that the copy is a true copy of such entry.

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983, as amended by CGD 86-002A, 55 FR 18582, May 2, 1990]

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EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.23, the introductory text of paragraph (a) was amended by removing the phrase "to which this part applies," effective July 31, 1990.

§ 151.25 Oil Record Book.

(a) Each oil tanker of 150 gross tons and above, ship of 400 gross tons and above other than an oil tanker, and manned fixed or floating drilling rig or other platform shall maintain an Oil Record Book Part I (Machinery Space Operations). An oil tanker of 150 gross tons and above or a non oil tanker that carries 200 cubic meters or more of oil in bulk, shall also maintain an Oil Record Book Part II (Cargo/Ballast Operations).

(b) An Oil Record Book printed by the U.S. Government is available to the masters or operators of all U.S. ships subject to this section, from any Coast Guard Marine Safety Office, Marine Inspection Office, or Captain of the Port Office.

(c) The ownership of the Oil Record Book of all U.S. ships remains with the U.S. Government.

(d) Entries shall be made in the Oil Record Book on each occasion, on a tank to tank basis if appropriate, whenever any of the following machinery space operations take place on any ship to which this section applies—

(1) Ballasting or cleaning of fuel oil tanks;

(2) Discharge of dirty ballast or cleaning water from fuel oil tanks;

(3) Disposal of oily residues (sludge); and

(4) Discharge overboard or disposal otherwise of bilge water that has accumulated in machinery spaces.

(e) Entries shall be made in the Oil Record Book on each occasion, on a tank to tank basis if appropriate, whenever any of the following cargo/ballast operations take place on any oil tanker to which this section applies—

(1) Loading of oil cargo;

(2) Internal transfer of oil cargo during voyage;

(3) Unloading of oil cargo;

(4) Ballasting of cargo tanks and dedicated clean ballast tanks;

(5) Cleaning of cargo tanks including crude oil washing;

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(6) Discharge of ballast except from segregated ballast tanks;

(7) Discharge of water from slop tanks;

(8) Closing of all applicable valves or similar devices after slop tank discharge operations;

(9) Closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations; and

(10) Disposal of residues.

(f) Entries shall be made in the Oil Record Book on each occasion, on a tank-to-tank basis if appropriate, whenever any of the following operations take place on a fixed or floating drilling rig or other platform to which this section applies—

(1) Discharge of ballast or cleaning water from fuel oil tanks; and

(2) Discharge overboard of platform machinery space bilge water.

(g) In the event of an emergency, accidental or other exceptional discharge of oil or oily mixture, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge.

(h) Each operation described in paragraphs (d), (e) and (f) of this section shall be fully recorded without delay in the Oil Record Book so that all the entries in the book appropriate to that operation are completed. Each completed operation shall be signed by the person or persons in charge of the operations concerned and each completed page shall be signed by the master or other person having charge of the ship.

(i) The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and shall be kept on board the ship.

(j) The master or other person having charge of a ship required to keep an Oil Record Book shall be responsible for the maintenance of such record.

(k) The Oil Record Book for a U.S. ship shall be maintained on board for not less than three years.

(l) This section does not apply to barge or a fixed or floating drilling rig or other platform that is not equipped

to discharge overboard any oil or oily mixture.

(m) This section does not apply to a fixed or floating drilling rig or other platform that is operating in compliance with a valid National Pollutant Discharge Elimination System (NPDES) permit.

(Approved by the Office of Management and Budget under control number 2115-0025)

[CGD 75-124a, 48 FR 45709, Oct. 6, 1983; 48 FR 54977, Dec. 8, 1983, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.25, paragraph (a) was amended by removing the phrase "; to which this part applies;" following the word "platform," and paragraph (b) and the introductory text of paragraphs (d), (e) and (f) were amended by adding the word "section" to replace the word "part," effective July 31, 1990.

NOXIOUS LIQUID SUBSTANCE POLLUTION

SOURCE: Sections 151.30-151.49 appear by CGD 85-010, 52 FR 7759, Mar. 12, 1987, unless otherwise noted.

§ 151.30 Applicability.

(a) Except as provided in paragraph (b) of this section, §§ 151.30 through 151.49 apply to each ship that—

(1) Is operated under the authority of the United States and engages in international voyages;

(2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three nautical miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in § 2.05-10 of this chapter; or

(5) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

(b) Sections 151.30 through 151.49 do not apply to—

(1) A tank barge whose certificate is endorsed by the Coast Guard for a limited short protected coastwise

route if the barge is constructed and certificated primarily for service on an inland route;

(2) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in noncommercial service;

(3) A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters;

(4) A Canadian or U.S. ship being operated exclusively on the internal waters of the United States and Canada; or

(5) Any other ship specifically excluded by MARPOL 73/78.

NOTE: The term "internal waters" is defined in § 2.05-20 of this chapter.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.30, the introductory text of paragraph (a) was amended by adding the phrase "§§ 151.30 through 151.49 apply" to replace the phrase "this subpart applies," and the introductory text of paragraph (b) was amended by adding the phrase "Sections 151.30 through 151.49 do" to replace the phrase "This subpart does," effective July 31, 1990.

§ 151.31 Where to find requirements applying to oceangoing ships carrying Category A, B, C, and D NLS.

(a) The requirements for oceangoing ships carrying NLSs listed in §§ 151.47 and 151.49 are in §§ 151.33 through 151.45.

(b) The requirements for oceangoing ships carrying NLSs listed in Table 151.05 of 46 CFR Part 151 and Table 1 of 46 CFR Part 153, which are not listed in § 151.47 or § 151.49, are in 46 CFR Parts 98, 151, and 153.

(c) Alternatives to the requirements in this Part for oceangoing ships carrying NLSs are in 46 CFR Part 153.

(d) Procedures for obtaining permission to carry an NLS not listed in § 151.47, § 151.49, Table 151.05 of 46 CFR Part 151, or Table 1 of 46 CFR Part 153 are in 46 CFR 153.900(c).

§ 151.33 Certificates needed to carry Category C Oil-like NLS.

(a) A U.S. oceangoing ship may not carry a Category C oil-like NLS listed

in § 151.49 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried in that cargo tank, and if the ship engages in a foreign voyage—

(1) An Attachment for NLSs to the IOPP Certificate, issued under § 151.37(a), that allows the NLS to be carried in that cargo tank; or

(2) A Certificate of Fitness issued under 46 CFR Part 153 that allows the NLS to be carried in that cargo tank.

(b) A foreign oceangoing ship operating in the navigable waters of the U.S. may not carry a Category C oil-like NLS listed in § 151.49 in a cargo tank unless the ship has—

(1) An Attachment for NLSs to the IOPP Certificate that allows the NLS to be carried in that cargo tank; or

(2) A Certificate of Compliance issued under 46 CFR Part 153 to allow the NLS to be carried in that cargo tank.

(c) A U.S. oceangoing ship authorized to carry certain dangerous cargoes in bulk under 46 CFR Part 98 may not carry a Category C oil-like NLS listed in § 151.49 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried in that cargo tank, and if the ship engages in a foreign voyage, an NLS Certificate issued under § 151.37(b) that allows the NLS to be carried in that cargo tank.

§ 151.35 Certificates needed to carry Category D NLS and Category D Oil-like NLS.

(a) A U.S. oceangoing ship may not carry a Category D NLS listed in § 151.47 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried in that cargo tank, and if the ship engages in a foreign voyage—

(1) An NLS Certificate issued under § 151.37(b) to allow the NLS to be carried in that cargo tank; or

(2) A Certificate of Fitness issued under 46 CFR Part 153 to allow the NLS to be carried in that cargo tank.

(b) A U.S. oceangoing ship may not carry a Category D oil-like NLS listed in § 151.49 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried

in that cargo tank, and if the ship engages in a foreign voyage—

(1) An Attachment for NLSs to the IOPP Certificate, issued under § 151.37(a), to allow the NLS to be carried in that cargo tank; or

(2) An NLS Certificate issued under § 151.37(b) to allow the NLS to be carried in that cargo tank, or

(3) A Certificate of Fitness issued under 46 CFR Part 153 to allow the NLS to be carried in that cargo tank.

(c) A foreign oceangoing ship in the navigable waters of the U.S. may not carry a Category D NLS listed in § 151.47 in a cargo tank unless the ship has one of the following:

(1) An NLS Certificate endorsed to allow the NLS to be carried in that cargo tank; or

(2) A Certificate of Compliance issued under 46 CFR Part 153 to allow the NLS to be carried in that cargo tank.

(d) A foreign oceangoing ship in the navigable waters of the U.S. may not carry a Category D oil-like NLS listed in § 151.49 in a cargo tank unless the ship has one of the following:

(1) An Attachment for NLSs to the IOPP Certificate to allow the NLS to be carried in that cargo tank; or

(2) An NLS Certificate endorsed to allow the NLS to be carried in the cargo tank; or

(3) A Certificate of Compliance issued under 46 CFR Part 153 to allow the NLS to be carried in the cargo tank.

(e) A U.S. oceangoing ship authorized to carry certain dangerous cargoes in bulk under 46 CFR Part 98 may not carry a Category D NLS listed in § 151.47 or a Category D oil-like NLS listed in § 151.49 in a cargo tank unless the ship has a Certificate of Inspection endorsed to allow the NLS to be carried in that cargo tank, and if the ship engages in a foreign voyage, an NLS Certificate issued under § 151.37(b) that allows the NLS to be carried in that cargo tank.

§ 151.37 Obtaining an Attachment for NLSs to the IOPP Certificate and obtaining an NLS Certificate.

(a) The Coast Guard issues an Attachment for NLSs to the IOPP Cer

tificate to an oceangoing ship to allow the carriage of a Category C oil-like NLS or a Category D oil-like NLS if the following requirements are met:

(1) Except for ships that are not configured and are not equipped to ballast or wash cargo tanks while proceeding en route, the ship must have a Coast Guard approved monitor under § 157.12 that is approved for the cargoes that are desired to be carried.

(2) Except as required by paragraph (a)(3), ships of 150 meters or less in length carrying a Category C oil-like NLS must meet the damage stability requirements applying to a Type III hull as provided by Regulation 14 (c) of Annex II.

(3) A U.S. self propelled ship of 150 meters or less in length on a coastwise voyage carrying a Category C oil-like NLS must meet the damage stability requirements applying to a Type III hull as provided by 46 CFR Part 172, Subpart F except §§ 172.130 and 172.133.

(b) Except as allowed in paragraph (c) of this section, the Coast Guard issues an NLS Certificate endorsed to allow the oceangoing ship engaged in a foreign voyage to carry a Category D NLS listed in § 151.47 if the ship has—

(1) An approved Procedures and Arrangements Manual and Cargo Record Book, both meeting the requirements in 46 CFR 153.490; and

(2) A residue discharge system meeting 46 CFR 153.470, unless the approved Procedures and Arrangements Manual limits discharge of Category D NLS residue to the alternative provided by 46 CFR 153.1128(b).

(c) The Coast Guard issues a NLS Certificate with the statement that the vessel is prohibited from discharging NLS residues to the sea if the vessel does not meet 46 CFR 153.470 and 153.490 but meets 46 CFR Subpart 98.31.

§ 151.39 Operating requirements: Category D NLS.

The master or person in charge of an oceangoing ship that carries a Category D NLS listed in § 151.47 shall ensure that the ship is operated as prescribed for the operation of oceangoing ships carrying Category D NLSs in 46 CFR 153.901, 153.906, 153.909,

153.1100, 153.1104, 153.1106, 153.1124, 153.1126, and 153.1128.

§ 151.41 Operating requirements for oceangoing ships with IOPP Certificates: Category C and D Oil-like NLSs.

The master or person in charge of an oceangoing ship certificated under § 151.37(a) shall ensure that—

(a) The carriage and discharge of the oil-like NLS meets §§ 157.29, 157.31, 157.35, 157.37, 157.41, 157.45, 157.47, and 157.49 of this chapter; and

(b) The oil-like NLS is not discharged unless—

(1) The monitor required by § 151.37(a)(1) is set to detect the oil-like NLS; and

(2) A statement that the monitor has been set to detect the oil-like NLS is entered in the Oil Record Book Part II (Cargo/Ballast Operations), required by § 151.25.

§ 151.43 Control of discharge of NLS residues.

(a) Unless the ship is a fixed or floating drilling rig or other platform operating under an National Pollution Discharge Elimination System (NPDES) permit, the master or person in charge of an oceangoing ship that cannot discharge NLS residue into the sea in accordance with 46 CFR 153.1126 or 153.1128 shall ensure that the NLS residue is—

(1) Retained on board; or

(2) Discharged to a reception facility.

(b) If Category A, B, or C NLS cargo or NLS residue is to be transferred at a port or terminal in the United States, the master or person in charge of each oceangoing ship carrying NLS cargo or NLS residue shall notify the port or terminal at least 24 hours before entering the port or terminal of—

(1) The name of the ship;

(2) The name, category and volume of NLS cargo to be unloaded;

(3) If the cargo is a Category B or C high viscosity NLS cargo or solidifying NLS cargo listed in Table 1 of 46 CFR Part 153 with a reference to “§ 153.908(a)” or “§ 153.908(b)” in the “Special Requirements” column of that table, the time of day the ship is

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estimated to be ready to discharge NLS residue to a reception facility;

(4) If the cargo is any Category B or C NLS cargo not under paragraph (b)(3) of this section, whether or not the ship meets the stripping requirements under 46 CFR 153.480, 153.481, or 153.482;

(5) The name and the estimated volume of NLS in the NLS residue to be discharged;

(6) The total volume of NLS residue to be discharged; and

(7) The name and amount of any cleaning agents to be used during the prewash required by 46 CFR 153.1120.

(c) The master or person in charge of a U.S. ship in a special area shall operate the ship in accordance with 46 CFR 153.903.

NOTE: The master or person in charge of a ship carrying Category A NLS that is required to prewash tanks under the procedures in 46 CFR Part 153.1120 is required under 46 CFR 153.1101 to notify the COTP at least 24 hours before a prewash surveyor is needed.

§ 151.45 Reporting spills of NLS: Category A, B, C, and D.

(a) The master or person in charge of an oceangoing ship involved in any incident described in paragraph (d) of this section, shall report the particulars of each incident without delay and to the fullest extent possible in accordance with the requirements of this section.

(b) If a ship involved in an incident is abandoned, or if a report from that ship is incomplete or unobtainable, the owner, charterer, manager, or operator of that ship or their agents shall, to the fullest extent possible, assume the obligations placed upon the master or person in charge under the requirements of this section.

(c) Each report must be made by radio or the fastest means available at the time the report is made to—

(1) The appropriate officer or agency of the government of a country in whose waters the incident occurs; and

(2) For incidents involving U.S. ships, the nearest Coast Guard Captain of the Port (COTP) or the National Response Center (NRC), toll

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free telephone number 800-424-8802, telex number 892427.

(d) The report must be made whenever an incident involves a discharge or the probability of a discharge—

(1) Other than as allowed by §§ 151.30 through 151.49; or

(2) Allowed by §§ 151.30 through 151.49 because it—

(i) Secures the safety of the ship or saves lives at sea; or

(ii) It results from damage to the ship or its equipment.

(e) Each report must contain—

(1) The identity of the ship;

(2) The name of the NLS discharged;

(3) The time and date of the occurrence of the incident;

(4) The geographic position of the ship when the incident occurred;

(5) The wind and sea condition prevailing at the time of the incident;

(6) Relevant details respecting the condition of the ship; and

(7) A statement or estimate of the quantity of the NLS cargo or NLS residue discharged or likely to be discharged into the sea.

(f) Each person who is obligated under the provisions of this section to send a report shall—

(1) Supplement the initial report, as necessary, with information concerning further developments; and

(2) Comply as fully as possible with requests from affected countries for additional information concerning the incident.

(g) A report made under this section satisfies the reporting requirement of § 153.203 of this chapter.

[CGD 85-010, 52 FR 7759, Mar. 12, 1987, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.45, paragraphs (d)(1) and (d)(2)(i) were amended by adding the phrase “§§ 151.30 through 151.49” to replace the phrase “this part,” effective July 31, 1990.

§ 151.47 Category D NLSs other than oil-like Category D NLSs that may be carried under this part.

The following is a list of Category D NLSs other than Oil-like Category D NLSs that the Coast Guard allows to be carried:

Acetophenone
 Acrylonitrile-Styrene copolymer dispersion in Polyether polyol
 Ammonium nitrate solution (45% or less)
 Ammonium nitrate, Urea solution (2% or less NH₃)
 Ammonium phosphate, Urea solution
 Ammonium sulfate solution (20% or less)
 Amyl alcohol (iso-, n-, sec-, primary)
 Brake fluid base mixtures
 Butyl acetate (sec-)
 Butylene glycol
 iso-Butyl formate
 n-Butyl formate
 Butyrolactone (gamma)
 Calcium hydroxide slurry
 Caprolactam solutions
 Choline chloride solution
 Decahydronaphthalene
 Decane
 Decylbenzene (n-)
 Diacetone alcohol
 Dialkyl(C10 - C14) benzenes
 Dialkyl(C7 - C13) phthalates
 Diethylene glycol butyl ether acetate
 Diethylene glycol dibutyl ether
 Diethylene glycol ethyl ether acetate
 Diethylene glycol methyl ether acetate
 Diethylene glycol phthalate
 Di-(2-ethylhexyl)adipate
 Di-(2-ethylhexyl)phthalate
 1,4-Dihydro-9,10-dihydroxy anthracene, disodium salt solution
 Diisobutyl ketone
 Diisodecyl phthalate
 Diisononyl adipate
 Diisononyl phthalate
 2,2-Dimethylpropane-1,3-diol
 Dinonyl phthalate
 Dipropylene glycol dibenzoate
 Dipropylene glycol methyl ether
 Ditridecyl phthalate
 Diundecyl phthalate
 Dodeceny succinic acid, dipotassium salt solution
 2-Ethoxyethanol
 Ethoxy triglycol (crude)
 Ethyl acetate
 Ethyl acetoacetate
 Ethyl butanol
 Ethylenediaminetetraacetic acid, tetrasodium salt solution
 Ethylene glycol
 Ethylene glycol acetate
 Ethylene glycol dibutyl ether
 Ethylene glycol ethyl ether
 Ethylene glycol isopropyl ether
 Ethylene glycol methyl butyl ether
 Ethylene glycol methyl ether
 Ethylene glycol methyl ether acetate
 Ethylene glycol phenyl ether
 Ethylene glycol phenyl ether, Diethylene glycol phenyl ether mixture
 2-Ethylhexanoic acid
 Ethyl propionate
 Ferric hydroxyethylethylene diamine triacetic acid, trisodium salt solution
 Fish solubles
 Formamide
 Glyoxal solution (40% or less)
 Heptanoic acid
 Hexamethylenediamine adipate
 Hexamethylenetetramine solutions
 Hexanoic acid
 Hexanol
 N-(Hydroxyethyl)ethylenediamine triacetic acid, trisodium salt solution
 Isophorone
 Lactic acid
 3-Methoxybutyl acetate
 Methyl acetoacetate
 Methyl butenol
 Methyl butyl ketone
 Methyl butynol
 Methyl isobutyl ketone
 Methyl tert-butyl ether
 Naphthalene sulfonic acid-formaldehyde copolymer, sodium salt solution
 Nonanoic acid (all isomers)
 Nonanoic, Tridecanoic acid mixture
 Nonyl methacrylate
 Noxious Liquid Substance, (17) n.o.s.
 Octadecenoamide solution
 Octanoic acid
 Octyl acetate
 Oil, edible:
 Babassu
 Beechnut
 Castor
 Cocoa butter
 Coconut
 Cod liver
 Corn
 Cottonseed
 Fish
 Groundnut
 Hazelnut
 Nutmeg butter
 Olive
 Palm
 Palm kernel
 Peanut
 Poppy
 Raisin seed
 Rapeseed
 Rice bran
 Safflower
 Salad
 Sesame
 Soya bean
 Sunflower seed
 Tucum
 Vegetable
 Walnut
 Oil, misc:
 Animal, n.o.s.
 Coconut oil, esterified
 Coconut oil, fatty acid methyl ester
 Lanolin
 Linseed
 Neatsfoot
 Oiticica
 Palm oil, fatty acid methyl ester

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Palm oil, methyl ester
 Perilla
 Pilchard
 Sperm
 Tung
 Whale
 Oleic acid
 Palm stearin
 Pentaethylenehexamine
 Pentanoic acid
 Polyalkylene glycols, Polyalkylene glycol
 monoalkyl ethers mixtures
 Polyethylene glycol monoalkyl ether
 Polypropylene glycol
 Potassium oleate
 Propyl acetate (n-)
 Propylene glycol monoalkyl ether
 Propylene glycol ethyl ether
 Propylene glycol methyl ether
 Sodium acetate solution
 Sodium benzoate solution
 Sodium carbonate solution
 Sodium silicate solution
 Tallow
 Tallow fatty acid
 Tetrasodium salt of Ethylenediamine-
 traacetic acid solution
 Triethylene glycol ethyl ether
 Triethylene glycol methyl ether
 Triethyl phosphate
 Trimethylol propane polyethoxylate
 Tripropylene glycol methyl ether
 Trisodium salt of N-(Hydroxyethyl)- eth-
 ylenediamine triacetic acid solution
 Urea, Ammonium mono- and di-hydrogen
 phosphate, Potassium chloride solution
 Urea, Ammonium nitrate solution (2% or
 less NH₃)
 Urea, Ammonium phosphate solution
 Waxes:
 Candelilla
 Carnauba

[CGD 85-010, 52 FR 7759, Mar. 12, 1987, as
 amended by CGD 88-100a, 54 FR 40000,
 Sept. 29, 1989; 55 FR 17269, Apr. 24, 1990]

§ 151.49 Category C and D Oil-like NLSs allowed for carriage.

The following is a list of Category C
 and D Oil-like NLSs that the Coast
 Guard allows to be carried:

(a) The following Category C oil-like
 NLSs may be carried:

Cyclohexane
 p-Cymene
 Diethylbenzene
 Dipentene
 Ethylbenzene
 Ethylcyclohexane
 Heptene (all isomers)
 Hexene (all isomers)
 2-Methyl-1-pentene
 Nonane (all isomers)
 Octane (all isomers)
 Pentane (all isomers)

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Pentene (all isomers)
 1-Phenyl-1-xylylethane
 Propylene dimer
 Tetrahydronaphthalene
 Toulene
 Xylenes

(b) The following Category D oil-like
 NLSs may be carried:

Alkyl(C9-C17) benzenes
 Diisopropyl naphthalene
 Dodecane (all isomers)

[CGD 85-010, 52 FR 7759, Mar. 12, 1987, as
 amended by CGD 88-100a, 54 FR 40001,
 Sept. 29, 1989; 55 FR 17269, Apr. 24, 1990]

GARBAGE POLLUTION

SOURCE: Sections 151.51-151.77 and Ap-
 pendix A appear by CGD 88-002, 54 FR
 18405, Apr. 28, 1989, unless otherwise noted.

§ 151.51 Applicability.

(a) Except as provided by paragraph
 (b) of this section, §§ 151.51 through
 151.77 apply to—

(1) Each ship that is of United
 States registry or nationality, or one
 operated under the authority of the
 United States, including recreational
 vessels defined in 46 U.S.C. 2101(25)
 and uninspected vessels defined in 46
 U.S.C. 2101(43), wherever located; and

(2) Each ship, other than a ship re-
 ferred to in paragraph (a)(1) of this
 section, while in the navigable waters
 or the Exclusive Economic Zone of the
 United States.

(b) Sections 151.51 through 151.77
 do not apply to—

(1) A warship, naval auxiliary, or
 other ship owned or operated by the
 United States when engaged in non-
 commercial service; or

(2) Any other ship specifically ex-
 cluded by MARPOL 73/78.

NOTE: The Exclusive Economic Zone ex-
 tends from the baseline of the territorial sea
 seaward 200 miles as defined in the Presi-
 dential Proclamation 5030 of March 10, 1983
 (3 CFR, 1983 Comp. p. 22).

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as
 amended by CGD 88-002A, 55 FR 18582,
 May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002, 55
 FR 18582, May 2, 1990, in § 151.51, the intro-
 ductory text of paragraph (a) was amended
 by adding the phrase "§§ 151.51 through
 151.77 apply" to replace the phrase "this
 subpart applies," and the introductory text

of paragraph (b) was amended by adding the phrase "Sections 151.51 through 151.77 do" to replace the phrase "This subpart does," effective July 31, 1990.

§ 151.53 Special areas for Annex V of MARPOL 73/78.

For the purposes of §§ 151.51 through 151.77, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, and the Gulfs Area that are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein, with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36' W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N. The discharge restrictions of § 151.71 are effective in the Baltic Sea on October 1, 1989.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean Sea and the Black Sea constituted by the parallel 41° N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°8.5' N, 43°19.6' E) and Husn Murad (12°40.4' N, 42°20.2' E).

(e) The Gulfs area means the sea area located northwest of the rhumb line between Ras al Hadd (22°30' N, 59°48' E) and Ras al Pasteh (25°04' N, 61°25' E).

NOTE: In accordance with paragraph (4)(b) of Regulation 5 of Annex V of MARPOL 73/78, the discharge restrictions in § 151.71 for special areas will enter into effect when each party to MARPOL 73/78 whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective dates for the discharge requirements in each special area will be published in the FEDERAL REGISTER and added to this section.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, in § 151.53, the introductory text was amended by adding the phrase "§§ 151.51 through 151.77" to replace the phrase "this subpart," effective July 31, 1990.

§ 151.55 Recordkeeping requirements. [Reserved]

§ 151.57 Waste management plans.

(a) This section applies to the following:

(1) Each manned oceangoing ship (other than a fixed or floating platform) of 40 feet or more in length that is documented under the laws of the United States or numbered by a state and that either is engaged in commerce or is equipped with a galley and berthing.

(2) Each manned fixed or floating platform that is—

(i) Documented under the laws of the United States; or

(ii) Operating under the authority of the United States, including, but not limited to, a lease or permit issued by an agency of the United States.

(b) The master or person in charge of a ship under paragraphs (a)(1) and (a)(2) of this section shall ensure that the ship is not operated unless a waste management plan meeting paragraph (c) of this section is on the ship and that each person handling garbage follows the plan.

(c) Each waste management plan under paragraph (b) of this section must be in writing and—

(1) Provide for the discharge of garbage by means that meet Annex V of MARPOL 73/78, the Act, and §§ 151.51 through 151.77;

(2) Describe procedures for collecting, processing, storing, and discharging garbage; and

(3) Designate the person who is in charge of carrying out the plan.

(Approved by the Office of Management and Budget under control number 2115-0120)

[CGD 88-002A, 55 FR 18582, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18582, May 2, 1990, § 151.57 was added, effective July 31, 1990.

§ 151.59

§ 151.59 Placards.

(a) This section applies to the following:

(1) Each manned U.S. ship (other than a fixed or floating platform) that is 26 feet or more in length.

(2) Each manned fixed or floating platform that is—

(i) Documented under the laws of the United States; or

(ii) Operating under the authority of the United States, including, but not limited to, a lease or permit issued by an agency of the United States.

(b) The master or person in charge of each ship under paragraphs (a)(1) and (a)(2) of this section shall ensure that one or more placards meeting the requirements of paragraph (c) of this section are displayed in prominent locations and in sufficient numbers so that they can be read by the crew and passengers. These locations must be readily accessible to the intended reader and may include embarkation points, food service facilities, garbage handling spaces, and common spaces on deck. If the Captain of the Port determines that the number or location of the placards is insufficient to adequately inform crew and passengers, the Captain of the Port may require additional placards and may specify their locations.

(c) Each placard must—

(1) Be at least nine inches wide by four inches high, made of a durable material, and lettered with letters at least 1/8 inch high; and

(2) Notify the reader of the following:

(i) The discharge of plastic or garbage mixed with plastic into any waters is prohibited.

(ii) The discharge of all garbage is prohibited in the navigable waters of the United States and, in all other waters, within three nautical miles of the nearest land.

(iii) The discharge of dunnage, lining, and packing materials that float is prohibited within 25 nautical miles of the nearest land.

(iv) Other unground garbage may be discharged beyond 12 nautical miles from the nearest land.

(v) Other garbage ground to less than one inch may be discharged

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beyond three nautical miles of the nearest land.

(vi) A person who violates the above requirements is liable for a civil penalty of up to \$25,000, a fine of up to \$50,000, and imprisonment for up to five years for each violation.

(vii) Regional, State, and local restrictions on garbage discharges also may apply.

[CGD 88-002A, 55 FR 18583, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18583, May 2, 1990, § 151.59 was added, effective July 31, 1990.

§ 151.61 Inspection for compliance and enforcement.

While within the navigable waters of the United States or the Exclusive Economic Zone, a ship is subject to inspection by the Coast Guard or other authorized federal agency to determine if—

(a) The ship has been operating in accordance with these regulations and has not discharged plastics or other garbage in violation of the provisions of the Act or Annex V of MARPOL 73/78;

(b) Grinders or comminuters used for the discharge of garbage between 3 and 12 nautical miles from nearest land are capable of reducing the size of garbage so that it will pass through a screen with openings no greater than 25 millimeters (one inch);

(c) Information for recordkeeping requirements, when required under § 151.55, is properly and accurately logged;

(d) A waste management plan, when required under § 151.57, is on board and that the condition of the ship, equipment and operational procedures of the ship meet the plan; and

(e) Placards, when required by § 151.59, are posted on board.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18583, May 2, 1990, the introductory text of § 151.61 was amended by removing the phrase "to which this subpart applies" following the word "ship," effective July 31, 1990.

§ 151.63 Shipboard control of garbage.

(a) The master, operator, or person who is in charge of a ship shall ensure that all garbage is discharged ashore or in accordance with §§ 151.66-151.73.

(b) The following factors, among others, may be considered by enforcement personnel in evaluating compliance with §§ 151.51 through 151.77:

(1) Records, including receipts, of garbage discharges at port reception facilities.

(2) Log entries indicating discharge of garbage in accordance with §§ 151.67, 151.69, 151.71, or 151.73.

(3) The presence and operability of equipment to treat ship-generated garbage, including, but not limited to, incinerators, grinders, or comminuters.

(4) The presence of and adherence to a written shipboard waste management plan.

(5) The absence of plastics in ship stores.

(6) Ongoing educational programs to train shipboard personnel of garbage handling procedures and the need for these.

(7) The presence of shipboard spaces used for collecting, processing, storing and discharging ship-generated garbage.

(c) The master, operator, or person who is in charge of a ship shall ensure that if garbage is transported from a ship by shipboard personnel, it is properly deposited into a port or terminal's reception facility.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended at CGD 88-002A, 55 FR 18583, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18583, May 2, 1990, in § 151.63, the introductory text of paragraph (b) was amended by adding the phrase "§§ 151.51 through 151.77" to replace the phrase "this subpart," effective July 31, 1990.

§ 151.65 Reporting requirements.

The master or person who is in charge of each oceangoing ship shall notify the port or terminal, at least 24 hours before entering the port or terminal, of the name of the ship and the estimated volume of garbage requiring disposal, if any of the following types of garbage are to be discharged:

(a) Garbage regulated by the Animal and Plant Health Inspection Service

(APHIS) of the U.S. Department of Agriculture under 7 CFR 330.400 or 9 CFR 94.5.

(b) Medical wastes.

(c) Hazardous wastes defined in 40 CFR 261.3.

§ 151.66 Operating requirements: Discharge of garbage in the navigable waters prohibited.

No person on board any ship may discharge garbage into the navigable waters of the United States.

NOTE: The navigable waters are defined in § 2.05-25 of this chapter.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18583, May 2, 1990, § 151.66 was amended by removing the phrase "to which this subpart applies" following the word "ship," effective July 31, 1990.

§ 151.67 Operating requirements: Discharge of plastic prohibited.

No person on board any ship may discharge into the sea, or into the navigable waters of the United States, plastic or garbage mixed with plastic, including, but not limited to, synthetic ropes, synthetic fishing nets, and plastic garbage bags. All garbage containing plastics requiring disposal must be discharged ashore or incinerated.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990]

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18583, May 2, 1990, § 151.67 was amended by removing the phrase "to which this subpart applies" following the word "ship," effective July 31, 1990.

§ 151.69 Operating requirements: Discharge of garbage outside special areas.

(a) When operating outside of a special area specified in § 151.53, no person may discharge, into the sea, garbage that is separated from plastic, if the distance from nearest land is less than—

(1) 25 nautical miles for dunnage, lining and packing materials that float; or

(2) 12 nautical miles for victual wastes and all other garbage including paper products, rags, glass, metal, bot-

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ties, crockery and similar refuse, except that, such garbage may be discharged outside of three nautical miles from nearest land after it has been passed through a grinder or comminuter specified in § 151.75.

(b) Mixtures of garbage having different discharge requirements under paragraph (a)(1) or (a)(2) of this section must be—

(1) Retained on board for later disposal ashore; or

(2) Discharged in accordance with the more stringent requirement prescribed by paragraph (a)(1) or (a)(2) of this section.

§ 151.71 Operating requirements: Discharge of garbage within special areas.

When a ship is located in a special area listed in § 151.53 that entered into force under Rule 5 of Annex V of MARPOL 73/78, no person may discharge garbage, except that victual waste may be discharged beyond 12 nautical miles from nearest land.

§ 151.73 Operating requirements: Discharge of garbage from fixed or floating platforms.

(a) Except as allowed in paragraph (b) of this section, no person may discharge garbage from—

(1) A fixed or floating platform engaged in the exploration, exploitation or associated offshore processing of seabed mineral resources; or

(2) Any ship within 500 meters (1650 feet) of such platforms.

(b) Victual waste may be discharged into the sea from a ship or fixed or

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floating platform regulated by paragraph (a) of this section if—

(1) It passes through a comminuter or grinder meeting § 151.75; and

(2) That ship or fixed or floating platform is beyond 12 nautical miles from nearest land.

§ 151.75 Grinders or comminuters.

Each grinder or comminuter used to discharge garbage in accordance with § 151.69(a)(2) or § 151.73(b)(1), must be capable of processing garbage so that it passes through a screen with openings no greater than 25 millimeters (one inch).

§ 151.77 Exceptions for emergencies.

Sections 151.67, 151.69 and 151.71 do not apply to the following:

(a) Discharges of garbage from a ship for the purpose of securing the safety of the ship and those on board or saving life at sea.

(b) The escape of garbage resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.

(c) The accidental loss of synthetic fishing nets or the loss of synthetic material during repair of nets, provided all reasonable precautions have been taken to prevent such losses.

(CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990)

EFFECTIVE DATE NOTE: By CGD 88-002A, 55 FR 18583, May 2, 1990, the introductory text of § 151.77 was amended by removing the phrase "of this subpart" following the phrase "and 151.71," effective July 31, 1990.

APPENDIX A TO §§ 151.51 THROUGH 151.77—SUMMARY OF GARBAGE DISCHARGE RESTRICTIONS

Garbage Type	All Vessels Except Fixed or Floating Platforms and Associated Vessels		Fixed or Floating Platforms & Assoc. Vessels * (33 CFR 151.73)
	Outside special areas (33 CFR 151.69)	In special areas * (33 CFR 151.71)	
Plastics—includes synthetic ropes and fishing nets and plastic bags.	Disposal prohibited (33 CFR 151.67).	Disposal prohibited (33 CFR 151.67).	Disposal prohibited (33 CFR 151.67).
Dunnage, lashing and packing materials that float.	Disposal prohibited less than 25 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited (33 CFR 151.71).	Disposal prohibited.

Garbage Type	All Vessels Except Fixed or Floating Platforms and Associated Vessels		Fixed or Floating Platforms & Assoc. Vessels ² (33 CFR 151.73)
	Outside special areas (33 CFR 151.69)	In special areas ² (33 CFR 151.71)	
Paper, rags, glass, metal bottles, crockery and similar refuse.	Disposal prohibited less than 12 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited (33 CFR 151.71).	Disposal prohibited.
Paper, rags, glass, etc. comminuted or ground. ¹	Disposal prohibited less than 3 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited (33 CFR 151.71).	Disposal prohibited.
Virtual waste not comminuted or ground.	Disposal prohibited less than 12 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited less than 12 miles from nearest land.	Disposal prohibited.
Virtual waste comminuted or ground. ¹	Disposal prohibited less than 3 miles from nearest land and in the navigable waters of the U.S.	Disposal prohibited less than 12 miles from nearest land.	Disposal prohibited less than 12 miles from nearest land and in the navigable waters of the U.S.
Mixed garbage types. ⁴	See Note 4.	See Note 4.	See Note 4.

Note 1: Comminuted or ground garbage must be able to pass through a screen with a mesh size no larger than 25 mm. (1 inch) (33 CFR 151.75).

Note 2: Special areas for Annex V are the Mediterranean, Baltic, Red and Black Seas, and Persian Gulf areas. (33 CFR 151.53).

Note 3: Fixed or floating platforms and associated vessels includes all fixed or floating platforms engaged in exploration, exploitation or associated offshore processing of seabed mineral resources, and all ships within 500m of such platforms.

Note 4: When garbage is, mixed with other harmful substances having different disposal or discharge requirements, the more stringent disposal restrictions shall apply.

EFFECTIVE DATE NOTE: By COD 88-002A, 55 FR 18583, May 2, 1990, the heading for Appendix A to §§ 151.51 through 151.77 was amended by removing the words "Subpart A of Part 151" and adding in their place "§ 151.51 through 151.77," effective July 31, 1990.

Subpart B—Transportation of Municipal and Commercial Waste

AUTHORITY: 33 U.S.C. 2602; 49 CFR 1.46.

SOURCE: COD 89-014, 54 FR 22548, May 24, 1989, unless otherwise noted.

§ 151.1000 Purpose.

The purpose of this subpart is to implement the permit provisions of the shore Protection Act of 1988, (33 U.S.C. 2601 *et seq.*).

§ 151.1003 Applicability.

(a) Except as provided by paragraph (b) of this section, this subpart applies to each vessel whose purpose is the transportation of municipal or commercial waste in coastal waters.

(b) This subpart does not apply to public vessels.

§ 151.1006 Definitions.

As used in this subpart—

"Coastal Waters" means—

(1) The territorial sea of the United States;

(2) The Great Lakes and their connecting waters;

(3) The marine and estuarine waters of the United States up to the head of tidal influence; and

(4) The Exclusive Economic Zone as established by Presidential Proclamation Number 5030, dated March 10, 1983.

NOTE: The Exclusive Economic Zone extends from the baseline of the territorial sea of the United States seaward 200 miles.

"Municipal and commercial waste" means solid waste as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903) except—

(1) Solid waste identified and listed under section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6921);

(2) Waste generated by a vessel during normal operations;

(3) Debris solely from construction activities;

(4) Sewage sludge subject to regulation under title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*); and

(5) Dredge or fill material subject to regulation under title I of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*), the

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Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*), or the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 *et seq.*).

"Public vessel" means a vessel that—

(1) Is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and

(2) Is not engaged in commercial service.

"Vessel" means every description of, watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

§ 151.1009 Transportation of municipal or commercial waste.

A vessel may not transport municipal or commercial waste in coastal waters without—

(a) A conditional permit to transport municipal or commercial waste issued under this subpart; and

(b) Displaying a number in accordance with § 151.1024.

[CGD 89-014, 54 FR 22548, May 24, 1989; CGD 89-014, 54 FR 24078, June 5, 1989]

§ 151.1012 Applying for a conditional permit.

(a) The owner or operator of each vessel to which this subpart applies shall apply by letter for a conditional permit required by § 151.1009. Applications must be submitted to Commandant (G-MPS-1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, Attn: Shore Protection Act Desk and include the following:

(1) The name, address, and telephone number of the vessel owner and operator.

(2) The vessel's name and official number, if any.

(3) The vessel's area of operation.

(4) The vessel's transport capacity.

(5) A history of the types of cargo transported by the vessel during the previous year, including identifying the type of municipal or commercial waste transported as—

(i) Municipal waste;

(ii) Commercial waste;

(iii) Medical waste; or

(iv) Waste of another character.

(6) The types of cargo to be transported by the vessel during the effective

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period of the conditional permit, including identifying the type of municipal or commercial waste as it is identified in paragraphs (a)(5)(i) through (iv) of this section.

(7) A statement of whether the application for a conditional permit is for a single voyage, a short term operation or a continuing operation. If the application is for a single voyage or a short term operation, the statement must include the duration of the voyage or operation.

(8) An acknowledgment that certifies as to the truthfulness and accuracy of the information provided.

(b) The owner or operator under paragraph (a) of this section shall provide any additional information the Coast Guard may require.

§ 151.1015 Issuing or denying the issuance of a conditional permit.

(a) After reviewing the application made under § 151.1012, the Coast Guard either—

(1) Issues the conditional permit for a vessel under this section; or

(2) Denies the issuance of the conditional permit to the vessel in accordance with paragraph (c) of this section. On denying the issuance of the permit, the Coast Guard notifies the applicant of the—

(i) Denial and the reason for the denial; and

(ii) Procedures under § 151.1021 for appealing the denial.

(b) Each conditional permit issued under this section is effective—

(1) On the date it is issued; and

(2) Until the expiration date stated on the conditional permit unless it is—

(i) Withdrawn under § 151.1018;

(ii) Terminated because—

(A) The vessel is sold; or

(B) This subpart no longer applies to the vessel.

(c) The Coast Guard may deny the issuance of a conditional permit if—

(1) The application does not contain the information required under § 151.1012; or

(2) There is reason to believe that the information contained on the application is not true and correct.

§ 151.1018 Withdrawal of a conditional permit.

(a) The Coast Guard may withdraw a conditional permit if the Administrator of the EPA requests withdrawal because the Administrator has determined that the owner or operator of the vessel has a record or a pattern of serious violations of—

(1) Subtitle A of the Shore Protection Act of 1988 (33 U.S.C. 2601 *et seq.*);

(2) The Solid Waste Disposal Act (42 U.S.C. 6901 *et seq.*);

(3) The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*);

(4) The Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 1401 *et seq.*); or

(5) The Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

(b) Upon reaching a determination to withdraw a conditional permit, the Coast Guard notifies the owner or operator of—

(1) The withdrawal and the reason for the withdrawal;

(2) The procedures for appealing the withdrawal.

(c) After receiving the notice under paragraph (b) of this section, the owner or operator shall ensure that—

(1) The vessel immediately ceases transporting municipal or commercial waste and the marking required by § 151.1024 is removed; and

(2) The conditional permit is returned to the Coast Guard within 5 days after receiving the notice.

§ 151.1021 Appeals.

(a) Any person directly affected by an action taken under this subpart may request reconsideration by the Coast Guard officer responsible for that action.

(b) The person affected who is not satisfied with a ruling after having it reconsidered under paragraph (a) of this section may—

(1) Appeal that ruling in writing within 30 days after the ruling to the Chief, Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, DC 20593-0001; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(c) After reviewing the appeal submitted under paragraph (b) of this section, the Chief, Office of Marine Safety, Security and Environmental Protection issues a ruling which is final agency action.

(d) If the delay in presenting a written appeal has an adverse impact on the operations of the appellant, the appeal under paragraph (b) of this section—

(1) May be presented orally; and

(2) Must be submitted in writing within five days after the oral presentation—

(i) With the basis for the appeal and a summary of the material presented orally; and

(ii) To the same Coast Guard official who heard the oral presentation.

§ 151.1024 Display of number.

(a) The owner or operator of each vessel under this subpart must ensure that the vessel number stated on the conditional permit issued under § 151.1015 is displayed so that it—

(1) Is clearly legible;

(2) Has a contrasting background;

(3) Is readily visible from either side of the vessel; and

(4) Is in block figures that are at least 18 inches in height.

(b) No person may tamper with or falsify a number required under this section.

PART 153—CONTROL OF POLLUTION BY OIL AND HAZARDOUS SUBSTANCES, DISCHARGE REMOVAL

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153.415 Cost summary reports.

153.417 Reimbursement for actions under section 311(c) or 311(d) of the Act of the Intervention on the High Seas Act.

AUTHORITY: 14 U.S.C. 633; 33 U.S.C. 1321(j)(1)(A) and (m); 42 U.S.C. 9615; secs. 2, 5, and 7, E.O. 11735 (38 FR 21243) as amended by E.O. 12418 (48 FR 20891); E.O. 12316 (46 FR 42237); 49 CFR 1.45(b) and 1.46 (l), (m), and (gg).

SOURCE: CGD 73-185, 41 FR 12630, Mar. 25, 1976, unless otherwise noted.

Subpart A—General

§ 153.101 Purpose.

The purpose of this part is to prescribe regulations concerning notification to the Coast Guard of the discharge of oil or hazardous substances as required by the Federal Water Pollution Control Act, as amended (FWPCA); the procedures for the removal of a discharge of oil; and the costs that may be imposed or reimbursed for the removal of a discharge of oil or hazardous substances under the FWPCA.

[CGD 84-087, 51 FR 17965, May 16, 1986]

§ 153.103 Definitions.

As used in this part:

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

(b) "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

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(c) "Chemical agents" means those elements, compounds, or mixtures that coagulate, disperse, dissolve, emulsify, foam, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water. The term "chemical agents" as used in this part includes dispersants, surface collecting agents, biological additives, burning agents, and sinking agents as defined in Subpart H of the National Contingency Plan.

(d) "Chief, Office Of Marine Safety, Security and Environmental Protection" means the Coast Guard Officer designated by the Commandant to assist and advise the Commandant on matters related to marine environmental response, port and environmental safety, and waterways management.

(e) "Coastal waters" means all U.S. waters subject to the tide, U.S. waters of the Great Lakes, specified ports and harbors on the inland rivers, waters of the contiguous zone, or other waters of the high seas subject to discharges in connection with activities under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)). These waters include those contained within the Exclusive Economic Zone declared by Presidential Proclamation 5030 on March 10, 1983 (43 FR 10605).

NOTE: Coastal waters are those waters where the Coast Guard has the responsibility for providing On-Scene Coordinators under the National Contingency Plan. Specific dividing lines between coastal and inland waters, and the identification of specified ports and harbors on inland rivers, are contained in Regional Contingency Plans prepared pursuant to the National Contingency Plan.

(f) "Contiguous zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the

Contiguous Zone, as published in the June 1, 1972 issue of the *FEDERAL REGISTER* (37 FR 11906).

(g) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes (A) discharges in compliance with a permit under Section 402 of the Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under Section 402 of the Act, and subject to a condition in such permit, and (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Act, which are caused by events occurring within the scope of relevant operating or treatment systems.

(h) "Hazardous substance" means any substance designated by the Administrator of the Environmental Protection Agency pursuant to section 311(b)(2) of the Act.

(i) "Inland waters" means all other waters of the U.S. not included in the definition of coastal waters.

NOTE: Inland waters are those waters where the Environmental Protection Agency has the responsibility for providing On-Scene Coordinators under the National Contingency Plan. Specific dividing lines between coastal and inland waters are contained in Regional Contingency Plans prepared pursuant to the National Contingency Plan.

(j) "Mechanical removal" means the use of pumps, skimmers, booms, earth-moving equipment, and other mechanical devices to contain the discharge of oil and to recover the discharge from the water or adjoining shorelines.

(k) "Navigable waters" means the waters of the United States as defined in paragraph 2.05-25(b) of this Chapter.

(l) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

(m) "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(n) "On-Scene Coordinator" or "OSC" is the Federal official pre-designated by the Environmental Protection Agency (EPA) or Coast Guard to coordinate and direct Federal removal efforts at the scene of an oil or hazardous substance discharge as prescribed in the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) as published in 40 CFR Part 300.

(o) "Onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

(p) "Person" includes an individual, firm, corporation, association, and a partnership.

(q) "Pollution Fund" and "Fund" means the revolving fund established in the Treasury under the authority in section 311(k) of the Act to carry out the provisions of section 311 (c), (d), (l), and (l) of the Act.

(r) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(s) "Remove" or "Removal" refers to removal of oil or hazardous substances from the waters and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(t) "Sorbent" means materials essentially inert and insoluble used to remove oil from water through a variety of sorption mechanisms. Examples include straw, expanded perlite, polyurethane foam, reclaimed paper fibres, and peat moss.

(u) "Such quantities as may be harmful" means those quantities of oil and any hazardous substances determined in accordance with the provisions of section 311(b)(4) of the Act.

NOTE: Regulations that relate to such quantities as may be harmful of oil are published in 40 CFR Part 110. Regulations that relate to such quantities as may be harmful (reportable quantities) of hazardous substances are published in 40 CFR Part 117 and also listed in 40 CFR Part 302.

(v) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(w) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

[CGD 84-067, 51 FR 17965, May 16, 1986, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§ 153.105 Delegations.

(a) Each district commander, within his assigned district, is delegated authority to:

(1) Assess a civil penalty in accordance with the procedures in Subpart 1.07 of this chapter of not more than \$5,000 for each offense against an owner or operator of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance has been discharged into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone in violation of section 311(b)(3) of the Act;

(2) Make the request, allowed in section 311(b)(6) of the Act, of the District Director of Customs to withhold clearance required by 19 CFR 4.66(a) of any vessel the owner or operator of which is subject to the penalty prescribed in section 311(b)(6) of the Act;

(3) Make the determination, allowed in section 311(b)(6) of the Act, whether or not clearance required by 19 CFR 4.66(a) may be granted of any vessel the owner or operator of which is subject to the penalty prescribed in section 311(b)(6) of the Act upon the filing by him of a bond or other surety satisfactory to the district commander;

(4) Assess a civil penalty in accordance with the procedures in Subpart 1.07 of this chapter of not more than \$5,000 for each violation against an owner or operator of a vessel, an on-

shore facility, or an offshore facility, and any other person subject to regulations promulgated by the Coast Guard under section 311(j)(1) of the Act who fails or refuses to comply with those regulations, as prescribed in section 311(j)(2) of the Act;

(5) Determine an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from a transportation-related onshore or offshore facility, except aircraft, motor vehicles, rolling or pipeline system, and to secure the relief necessary to abate that actual or threatened discharge through the United States Attorney of the district in which the threat occurs, as prescribed in section 311(e) of the Act;

(6) Authorize for each discharge of oil or hazardous substance a total expenditure of \$1,000,000 or less from the Pollution Fund for costs allowed in § 153.407;

(7) Deny entry to any port or place in the United States or the navigable waters of the United States, to, and detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to section 311(p) of the Act which upon request does not provide evidence of financial responsibility, as prescribed in section 311(p)(6) of the Act; and

(8) Except for public vessels, board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, with or without a warrant arrest any person who in his presence or view violates a provision of section 311 of the Act or any regulation issued thereunder, and execute any warrant or other process issued by an officer or court of competent jurisdiction, as prescribed in section 311(m) of the Act.

(b) The Chief, Office of Marine Safety, Security and Environmental Protection, is delegated authority to:

(1) (Reserved)

(2) Authorize for each discharge of oil or hazardous substance an expenditure in excess of \$1,000,000 from the

Pollution Fund for costs allowed in § 153.407; and

(3) Determine an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from aircraft, motor vehicles, rolling stock, or pipeline system, and through the Chief Counsel secure the relief necessary to abate that actual or threatened discharge through the United States Attorney of the district in which the threat occurs, as prescribed in section 311(e) of the Act.

(c) Pursuant to paragraph (d) of this section and Section 311(c)(1) of the Act, each Coast Guard official pre-designated as On-Scene Coordinator by the applicable Regional Contingency Plan is delegated authority, subject to paragraph (e) of this section, to remove or arrange for the removal of any oil or hazardous substance unless the official determines that the removal is being done properly by the owner of the vessel or facility from which the discharge or threat of discharge occurs.

(d) The authority in paragraph (c) may be exercised whenever any oil or hazardous substance is discharged, or there is a substantial threat of such discharge—

(1) Into or upon the navigable waters of the United States or adjoining shorelines;

(2) Into or upon the waters of the contiguous zone;

(3) In connection with activities under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); or

(4) Which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, including resources under Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) The authority described in paragraphs (c) and (d) of this section does not include the authority to—

(1) Summarily remove or destroy a vessel; or

(2) Take any other action that constitutes intervention under the Act, the Intervention on the High Seas Act (33 U.S.C. 1471 et seq.), or other applicable laws. "Intervention" means any detrimental action taken against the interest of a vessel or its cargo without the consent of the vessel's owner or operator.

[CGD 73-185, 41 FR 12630, Mar. 25, 1976, as amended by CGD 83-009A, 49 FR 576, Jan. 5, 1984; CGD 84-087, 51 FR 17966, May 16, 1986; CGD 88-052, 53 FR 25121, July 1, 1988]

§ 153.107 Redelegation.

Except for the authority granted in § 153.105(a)(5), (b)(3), and (c), each Coast Guard officer to whom authority is granted in § 153.105 may redelegate and authorize successive redelegations of that authority within the command under his jurisdiction, or to members of his staff.

§ 153.109 CERCLA delegations.

The delegations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) are published in § 1.01-70 of this chapter.

[CGD 83-009, 49 FR 575, Jan. 5, 1984]

Subpart B—Notice of the Discharge of Oil or a Hazardous Substance

§ 153.201 Purpose.

The purpose of this subpart is to prescribe the manner in which the notice required in section 311(b)(5) of the Act is to be given and to list the government officials to receive that notice.

§ 153.203 Procedure for the notice of discharge.

Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as they have knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of section 311(b)(3) of the Act, immediately notify the National Response Center (NRC), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, toll free telephone number 800-424-8802 (in Wash-

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ington, DC metropolitan area, (202) 267-2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA pre-designated OSC for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the pre-designated OSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or on-shore or offshore facility notifies the NRC as soon as possible.

NOTE: Geographical jurisdiction of Coast Guard and EPA OSC's are specified in the applicable Regional Contingency Plan. Regional Contingency Plans are available at Coast Guard District Offices and EPA Regional Offices as indicated in Table 2. Addresses and telephone numbers for these offices are listed in Table 1.

[CGD 84-067, 51 FR 17966, May 16, 1986, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§ 153.205 Fines.

Section 311(b)(5) of the Act prescribes that any person who fails to notify the appropriate agency of the United States Government immediately of a discharge is, upon conviction, subject to a fine of not more than \$10,000, or to imprisonment of not more than one year, or both.

TABLE 1—ADDRESSES AND TELEPHONE NUMBERS OF COAST GUARD DISTRICT OFFICES AND EPA REGIONAL OFFICES

	Address	Telephone
EPA Regional Offices		
Region:		
I.....	John F. Kennedy Federal Bldg., Boston, MA 02203.	617-565-3715
II.....	26 Federal Plaza, New York, NY 10278.	212-264-2525
III.....	841 Chestnut Street, Philadelphia, PA 19107.	215-597-9800
IV.....	345 Courtland Street, NE, Atlanta, GA 30365.	404-347-4727
V.....	230 S. Dearborn Street, 13th Floor, Chicago, IL 60604.	312-353-2000
VI.....	1445 Ross Ave., 12th Floor, Suite 1200, Dallas, TX 75202.	214-855-8444
VII.....	726 Minnesota Avenue, Kansas City, KS 66101.	913-236-2800
VIII.....	989 18th St., Suite 500, Denver, CO 80202-2405.	303-293-1803

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TABLE 1—ADDRESSES AND TELEPHONE NUMBERS OF COAST GUARD DISTRICT OFFICES AND EPA REGIONAL OFFICES—Continued

	Address	Telephone
IX.....	215 Fremont Street, San Francisco, CA 94105.	415-974-8071
X.....	1200 6th Avenue, Seattle, WA 98101.	206-442-5810
Coast Guard District Offices		
District:		
1st.....	408 Atlantic Ave., Boston, MA 02110-2209.	617-223-8444
2nd.....	1430 Olive St., St. Louis, MO 63103.	314-425-4855
5th.....	Federal Bldg., 431 Crawford St., Portsmouth, VA 23705-5004.	804-398-6808
7th.....	Federal Bldg., Room 1221, 51 S.W. 1st Ave., Miami, FL 33130.	305-536-5661
8th.....	Hale Boggs Federal Bldg., 500 Camp St., New Orleans, LA 70130-3396.	504-589-8801
9th.....	1240 East 9th St., Cleveland, OH 44199.	216-522-3919
11th.....	Union Bank Bldg., 400 Ocean-gate, Long Beach, CA 90822-5399.	213-499-5330
13th.....	Federal Bldg., 915 Second Ave., Seattle, WA 98174.	206-442-5863
14th.....	Prince Kalanianaʻolake Federal Bldg., 300 Ala Moana Blvd., 9th Floor, Honolulu, HI 96850.	808-541-2114
17th.....	P.O. Box 3-5000, Juneau, AK 99802.	907-588-7195

TABLE 2—STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS

States and EPA region	Coast Guard district
Region I:	
Maine.....	1st
New Hampshire.....	1st
Vermont.....	1st
All except Northwestern portion.....	1st
Northwestern portion.....	1st
Massachusetts.....	1st
Connecticut.....	1st
Rhode Island.....	1st
Region II:	
New York:	
Coastal area and Eastern portion.....	1st
Great Lakes area and other portions.....	9th
New Jersey:	
Upper portion.....	1st
Lower portion.....	5th
Puerto Rico.....	7th
Virgin Islands.....	7th
Region III:	
Pennsylvania:	
Eastern portion.....	5th
Great Lakes area.....	9th
Southwestern portion.....	2nd
Maryland.....	5th

TABLE 2—STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS—Continued

States and EPA region	Coast Guard district
Delaware.....	5th
West Virginia.....	2nd
Virginia.....	5th
District of Columbia.....	5th
Region IV:	
Kentucky.....	2nd
Tennessee.....	2nd
North Carolina.....	5th
South Carolina.....	7th
Georgia.....	7th
Florida:	
Atlantic and Gulf coasts.....	7th
Panhandle area.....	8th
Alabama:	
Southern.....	8th
Northern.....	2nd
Mississippi:	
Southern.....	8th
Northern.....	2nd
Region V:	
Minnesota:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Wisconsin:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Michigan.....	9th
Illinois:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Indiana:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Ohio:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Region VI:	
New Mexico.....	8th
Texas.....	8th
Oklahoma.....	2nd
Arkansas.....	2nd
Louisiana.....	8th
Region VII:	
Nebraska.....	2nd
Iowa.....	2nd
Kansas.....	2nd
Missouri.....	2nd
Region VIII:	
Montana.....	13th
Wyoming.....	2nd
Utah.....	11th
Colorado.....	2nd
North Dakota.....	2nd
South Dakota.....	2nd
Region IX:	
California.....	11th
Nevada.....	11th
Arizona.....	11th
Hawaii.....	14th
Guam.....	14th
American Samoa.....	14th
Trust Territory of the Pacific Islands.....	14th
Northern Mariana Islands.....	14th

TABLE 2—STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS—Continued

States and EPA region	Coast Guard district
Region X:	
Washington.....	13th
Oregon.....	13th
Idaho.....	13th
Alaska.....	17th

[CGD 84-067, 51 FR 17967, May 16, 1986, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

Subpart C—Removal of Discharged Oil

§ 153.301 Purpose.

The purpose of this subpart is to prescribe methods and procedures to be used to remove discharges of oil from coastal waters.

§ 153.303 Applicability.

The provisions of this subpart apply to any owner or operator of a vessel or onshore or offshore facility from which a discharge of oil into coastal waters occurs who acts to remove or arrange for the removal of such discharges.

§ 153.305 Methods and procedures for the removal of discharged oil.

Each person who removes or arranges for the removal of a discharge of oil from coastal waters shall:

(a) Use to the maximum extent possible mechanical methods and sorbents that:

- (1) Most effectively expedite removal of the discharged oil; and
- (2) Minimize secondary pollution from the removal operations;

NOTE: The Federal OSC is authorized by the provisions of the National Contingency Plan to require or deny the use of specific mechanical methods and sorbents. Sorbent selection considerations of the OSC include hydrographic and meteorological conditions, characteristics of the sorbent, and availability of a mechanical method for containment and recovery.

(b) Control the source of discharge, prevent further discharges, and halt or slow the spread of the discharge by mechanical methods or sorbents or both to the maximum extent possible;

(c) Recover the discharged oil from the water or adjoining shorelines by mechanical or manual methods or both to the maximum extent possible;

(d) Use chemical agents only in accordance with the provisions of Subpart H of the National Contingency Plan and with the prior approval of the Federal OSC; and

(e) Dispose of recovered oil and oil contaminated materials in accordance with applicable State and local government procedures.

ICGD 73-185, 41 FR 12630, Mar. 25, 1976, as amended by CGD 84-067, 51 FR 17966, May 16, 1986]

§ 153.307 Penalties.

Section 311(j)(2) of the Act prescribes that any person who fails or refuses to comply with the provisions of this subpart is liable to a civil penalty of not more than \$5,000.

Subpart D—Administration of the Pollution Fund

§ 153.401 Purpose.

This subpart prescribes policies, procedures, and reporting requirements for the payment from and deposit into the Fund established pursuant to section 311(k) of the Act.

§ 153.403 Applicability.

The provisions of this subpart apply to:

(a) Each Federal and State agency that desires reimbursement from the Fund for costs incurred during a removal activity; and

(b) The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal activity.

§ 153.405 Liability to the pollution fund.

The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal activity is liable to the pollution fund for the actual costs of Federal and State agencies, includ-

ing the employment and use of personnel and equipment, not to exceed the limits established by sections 311(f) and (g) of the Act.

§ 153.407 Payments or reimbursements from the pollution fund.

(a) The following costs incurred during performance of a Phase III activity as defined in Subpart E of the National Contingency Plan, or a removal action as defined in Subpart F of the National Contingency Plan, are reimbursable to Federal and State agencies when authorized by the appropriate OSC under the authority of section 311(c) of the Act, and are reimbursable to Federal agencies when authorized by the appropriate Coast Guard or EPA official in the case of the summary removal or destruction of a vessel, other "intervention" (as defined in § 153.105(e) of this Part), or any other action under the authority of section 311(d) of the Act or the Intervention on the High Seas Act (33 U.S.C. 1471 et seq.):

(1) Costs found to be reasonable by the Coast Guard incurred by government industrial type facilities, including charges for overhead in accordance with the agency's industrial accounting system.

(2) Actual costs for which an agency is required or authorized by any law to obtain full reimbursement.

(3) Costs found to be reasonable by the Coast Guard incurred as a result of removal activity that are not ordinarily funded by an agency's regular appropriations and that are not incurred during normal operations. These costs include, but are not limited to, the following:

(i) Travel (transportation and per diem) specifically requested of the agency by the On-Scene Coordinator.

(ii) Overtime for civilian personnel specifically requested of the agency by the On-Scene Coordinator.

(iii) Incremental operating costs for vessels, aircraft, vehicles, and equipment incurred in connection with the removal activity.

(iv) Supplies, materials, and equipment procured for the specific removal activity and fully expended during the removal activity.

(v) Lease or rental of equipment for the specific removal activity.

(vi) Contract costs for the specific removal activity.

(4) Claims payable under Part 25, Subpart H of this title.

(b) The District Commander may authorize the direct payment of the costs found to be reasonable under paragraph (a)(3) of this section. Direct payment may only be made to Federal or State agencies, or to Federal contractors or suppliers. Direct payments to State or local agency contractors or suppliers will not be authorized.

(c) The Pollution Fund is not available to pay any foreign, Federal, State or local government or agency for the payment or reimbursement of its costs incurred in the removal of oil or hazardous substances discharged from a vessel or facility that it owns or operates.

NOTE: Federal procurement procedures governing contracts to purchase property and services apply to costs incurred as a result of removal activity. Where the public exigency will not permit the delay incident to advertising, purchases and contracts are negotiated pursuant to 10 U.S.C. 2304(a)(2) or 41 U.S.C. 252(c)(2), as applicable.

[CGD 73-185, 41 FR 12630, Mar. 25, 1976, as amended by CGD 84-067, 51 FR 17967, May 16, 1986]

§ 153.411 Procedures for payment of judgments.

An owner or operator of a vessel or an onshore or offshore facility who obtains a judgment against the United States under section 311(i) of the Act may have the judgment satisfied by requesting payment of the judgment in writing from the Commandant (G-L), 2100 Second Street SW., Washington, D.C. 20593. This request must be accompanied by a copy of the judgment and must designate to whom payment should be made.

§ 153.413 Deposit of money into the fund.

Any person liable for the payment of the following shall remit payment by check or postal money order, payable to the U.S. Coast Guard, to the cognizant District Commander, or to the Commandant for deposit into the Pollution Fund as prescribed in section 311(k) of the Act:

(a) A fine or penalty imposed, assessed, or compromised under section 311 of the Act, including the proceeds of a bond or other surety obtained pursuant to section 311(b)(6).

(b) A claim asserted by the cognizant District Commander for costs recoverable under sections 311 (f) and (g) of the Act.

(c) A judgment obtained by the United States for costs recoverable under sections 311 (f) and (g) of the Act.

§ 153.415 Cost summary reports.

As soon as practicable after completion of an action authorized under section 311 (c) or (d) of the Act or the Intervention on the High Seas Act, the OSC submits a cost summary report to the cognizant District Commander that includes:

(a) Names of agencies and contractors authorized to participate in the action;

(b) A general description of the function performed by each participating agency and contractor;

(c) An estimate of the cost of each function performed by each participating agency and contractor; and

(d) A copy of contracts, memoranda, or other documents pertaining to the functions performed by the participating agencies and contractors.

[CGD 73-185, 41 FR 12630, Mar. 25, 1976, as amended by CGD 84-067, 51 FR 17967, May 16, 1986]

§ 153.417 Reimbursement for actions under section 311(c) or 311(d) of the Act of the Intervention on the High Seas Act.

(a) Each Federal or State agency requesting reimbursement for an action authorized under section 311(c) or 311(d) of the Act or under the Intervention on the High Seas Act must, within 60 days after completion of the action, submit to the cognizant District Commander, through the OSC for review and certification required in paragraph (b) of this section, lists accompanied by supporting accounting data, itemizing actual costs incurred.

(b) Requests for reimbursement submitted by Federal and State agencies are reviewed by the OSC to ensure

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that the costs for which reimbursement is being sought were authorized as Phase III removal actions for oil discharges, or removal actions as defined in Subpart F for hazardous substance discharges, and must have one of the following certifications by the OSC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as [(Phase III oil removal actions) or (hazardous substance removal actions)], and reasonable costs related thereto are proper for payment from the Pollution Fund.

(OSC signature)

(Incident title)

(Pollution incident project number)

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as [(Phase III oil removal actions) or (hazardous substance removal actions)], and reasonable costs related thereto are proper for payment from the Pollution Fund. The following actions were not authorized by me and are not subject to reimbursement from the Pollution Fund:

(OSC Signature)

(Incident title)

(Pollution incident project number)

[CGD 84-067, 51 FR 17967, May 16, 1986]

PART 154—OIL POLLUTION PREVENTION REGULATIONS FOR MARINE OIL TRANSFER FACILITIES

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APPENDIX A TO PART 154—GUIDELINES FOR DETONATION FLAME ARRESTERS

APPENDIX B TO PART 154—STANDARD SPECIFICATION FOR TANK VENT FLAME ARRESTERS

AUTHORITY: 33 U.S.C. 1231, 1321(j)(1)(C); sec. 2, E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.46.

Subpart A—General

SOURCE CGD 75-124, 45 FR 7169, Jan. 31, 1980, unless otherwise noted.

§ 154.100 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, this part applies to each facility that is capable of transferring oil in bulk to or from any vessel or public vessel with a capacity of 250 or more barrels of that oil.

(b) This part does not apply to a facility in a caretaker status (one that is not operational or not capable of conducting oil transfer operations).

(c) This part does not apply to a marina (a facility that services primarily pleasure craft) unless it engages in the transfer of oil in bulk to or from a vessel or public vessel with a capacity of 250 or more barrels of that oil.

§ 154.105 Definitions.

As used in this part:

"Captain of the Port" (COTP) means the U.S. Coast Guard officer commanding a Captain of the Port Zone described in Part 3 of this chapter, or that person's authorized representative.

"Commandant" means the Commandant of the Coast Guard or an authorized representative.

"Contiguous Zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, but not extending beyond 12 miles from the baseline from which the breadth of the territorial sea is measured.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District, as described in Part 3 of this chapter or an authorized representative.

"Facility" means either an onshore facility or an offshore facility and includes, but is not limited to structures, equipment, and appurtenances thereto, used or capable of being used to transfer oil to or from a vessel or a public vessel. A facility includes federal, state, municipal, and private facilities.

"Facility operator" means the person who owns, operates, or is re-

sponsible for the operation of the facility.

"Mobile facility" means any facility that can readily change location, such as a tank truck or tank car, other than a vessel or public vessel.

"Monitoring device" means any fixed or portable sensing device used to monitor for a discharge of oil onto the water, within or around a facility, and designed to notify operating personnel of a discharge of oil.

"Officer in Charge, Marine Inspection" (OCMI) means the U.S. Coast Guard officer commanding a Marine Inspection Zone described in Part 3 of this chapter, or an authorized representative.

"Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or a public vessel.

"Person in charge" means an individual designated as a person in charge of oil transfer operations under § 154.710 (for facilities) or § 155.700 (for vessels) of this chapter.

"Tank barge" means any tank vessel not equipped with a means of self-propulsion.

"Tank vessel" means any vessel that carries oil in bulk as cargo or in residue.

"Transfer" means any movement of oil to, from, or within a vessel by means of pumping, gravitation, or displacement.

"Vessel operator" means a person who owns, operates, or is responsible for the operation of a vessel.

§ 154.106 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the Federal Register and the material made available to the public. All approved material is on file at the Office of the Federal Register, 1100 L Street, NW., Washington, DC, and at the U.S. Coast Guard, Marine Technical and Hazardous Materials Division (G-MTH), 2100 Second

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Street, SW., Washington, DC, 20593-0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in part, and the sections affected are:

American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005

API Standard 2000, Venting Atmospheric and Low-Pressure Storage Tanks (Nonrefrigerated and Refrigerated), Third Edition, January 1982 (reaffirmed December 1987)..... 154.814

API Recommended Practice 550, Manual on Installation of Refinery Instruments and Control Systems, Part II—Process Stream Analyzers, Section 1—Analyzers, Fourth Edition, February 1985..... 154.824

American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018

ANSI B16.5, Steel Pipe Flanges and Flanged Fittings, 1961..... 154.500;
154.808;
154.810

ANSI B16.24—Bronze Pipe Flanges and Flanged Fittings, Class 150 and 300, 1979..... 154.500;
154.808

ANSI B31.3—Chemical Plant and Petroleum Refinery Piping, 1967 (including B31.3a-1988, B31.3b-1988, and B31.3c-1989 addenda)..... 154.510;
154.808

International Electrotechnical Commission (IEC), Bureau Central de la Commission Electrotechnique Internationale, 1 rue de Varembe, Geneva, Switzerland

IEC 309-1—Plugs, Socket-Outlets and Couplers for Industrial Purposes: Part 1, General Requirements, 1979..... 154.812

IEC 309-2—Plugs, Socket-Outlets and Couplers for Industrial Purposes: Part 2, Dimensional Interchangeability Requirements for Pin and Contact-tube Accessories, 1981.. 154.812

National Electrical Manufacturers Association (NEMA), 2101 L St. NW., Washington, DC 20036

ANSI/NEMA WD6—Wiring Devices, Dimensional Requirements, 1988..... 154.812

National Fire Protection Association (NFPA), Batterymarch Park, Quincy, MA 02269

NFPA 70—National Electrical Code, 1987..... 154.738;
154.808;
154.812

Oil Companies International Marine Forum (OCIMF), 6th Floor, Portland House, Stag Place, London SW1E 5BH, England

International Safety Guide for Oil Tankers and Terminals, Third Edition, 1988..... 154.738;
154.810

[COD 88-102, 55 FR 25428, June 21, 1990]

EFFECTIVE DATE NOTE: By COD 88-102, 55 FR 25428, June 21, 1990, § 154.106 was revised, effective July 23, 1990. For the convenience of the user the superseded text appears as follows:

§ 154.106 Incorporation by reference.

(a) The American National Standards Institute (ANSI) standards referred to in this Part are incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register under the provisions of 1 CFR Part 51 on December 20, 1978.

(b) The standards are on file in the FEDERAL REGISTER library, and copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017.

(c) The standards may also be examined at the offices of the Marine Technical and Hazardous Materials Division, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (Telephone 202-267-2967).

[COD 75-124, 48 FR 7169, Jan. 31, 1980, as amended by COD 82-063a, 48 FR 4776, Feb. 3, 1983; COD 88-052, 53 FR 25122, July 1, 1988]

§ 154.107 Alternatives.

(a) The COTP may consider and approve alternative procedures, methods, or equipment standards to be used by

a facility operator in lieu of any requirement in this part if:

(1) Compliance with the requirement is economically or physically impractical;

(2) The alternative provides an equivalent level of safety and protection from pollution by oil, which is documented in the request; and

(3) The facility operator submits a written request for the alternative.

(b) The COTP takes final approval or disapproval action on the request, in writing, within 30 days of receipt of the request.

§ 154.108 Exemptions.

(a) The Chief, Office of Marine Safety, Security and Environmental Protection, acting for the Commandant, grants an exemption or partial exemption from compliance with any requirement in this part if:

(1) A facility operator submits an application for the exemption via the COTP; and

(2) It is determined, from the application, that:

(i) Compliance with the requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of safety and protection from pollution by oil; and

(iii) The likelihood of oil being discharged is not substantially increased as a result of the exemption.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption, and proposed procedures, methods or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An exemption is granted or denied in writing. The decision of the Chief, Office of Marine Safety, Security and Environmental Protection is a final agency action.

[CGD 75-124, 45 FR 7169, Jan. 31, 1980, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

§ 154.110 Letter of intent.

(a) The facility operator of any facility to which this part applies must submit a letter of intent to operate a facility or to conduct mobile facility operations to the COTP not less than 60 days before the intended operations unless a shorter period is allowed by the COTP. Previously submitted letters of intent need not be resubmitted.

(b) The letter of intent required by paragraph (a) of this section may be in any form but must contain:

(1) The name, address, and telephone number of the facility operator;

(2) The name, address, and telephone number of the facility or, in the case of a mobile facility, the dispatching office; and

(3) Except for a mobile facility, the geographical location of the facility in relation to the associated body of navigable waters.

(c) The facility operator of any facility for which a letter of intent has been submitted, shall within five (5) days advise the COTP in writing of any changes of information and shall cancel, in writing, the letter for any facility at which oil transfer operations are no longer conducted.

§ 154.120 Facility examinations.

(a) The facility operator shall allow the Coast Guard, at any time, to make any examination and shall perform, upon request, any test to determine compliance with this part and part 156, as applicable. The facility operator shall conduct all required testing of facility equipment in a manner acceptable to the Coast Guard.

(b) The COTP shall provide the facility operator with a written report of the results of the examination for the record required by § 154.740(e) and shall list the deficiencies in the report when the facility is not in compliance with the requirements in this part and Part 156 of this chapter.

Subpart B—Operations Manual

SOURCE: CGD 75-124, 45 FR 7171, Jan. 31, 1980, unless otherwise noted.

§ 154.300 Operations manual: General.

(a) The facility operator of each facility to which this part applies shall submit, with the letter of intent, an operations manual that:

(1) Describes how the applicant meets the operating rules and equipment requirements prescribed by this part and Part 156 of this chapter;

(2) Describes the responsibilities of personnel under this part and Part 156 of this chapter in conducting oil transfer operations; and

(3) Includes translations into a language or languages understood by all designated persons in charge of transfer operations employed by the facility.

(b) The facility operator shall maintain the operations manual so that it is:

(1) Current; and

(2) Readily available for examination by the COTP.

(c) The COTP shall review the operations manual when submitted, after any substantial amendment, and as otherwise required by the COTP.

(d) In determining whether the manual meets the requirements of this part and Part 156 of this chapter the COTP shall consider the size, complexity, and capability of the facility.

(e) If the manual meets the requirements of this part and Part 156 of this chapter, the COTP shall issue a "letter of adequacy" as described in § 154.325.

(f) The facility operator shall ensure that a sufficient number of copies of the operations manual, including a sufficient number of the translations required by paragraph (a)(3) of this section, are readily available for each facility person in charge while conducting an oil transfer operation.

NOTE: The facility operator may request that the contents of the operations manual or portions thereof be considered commercial or financial information that is privileged or confidential. Under the Freedom of Information Act, the Coast Guard would withhold any part of the contents of the operations manual from public disclosure upon determining that it is commercial or financial information that is privileged or confidential.

§ 154.310 Operations manual: Contents.

(a) Each operations manual required by § 154.300 must contain:

(1) The geographic location of the facility;

(2) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, and locations of safety equipment;

(3) The hours of operation of the facility;

(4) The sizes, types, and number of vessels that the facility can transfer oil to or from simultaneously;

(5) For each product transferred at the facility:

(i) Generic or chemical name; and

(ii) The following cargo information:

(a) The name of the cargo, as listed in Table 30.25-1 of 46 CFR;

(b) A description of the appearance of the cargo;

(c) A description of the odor of the cargo;

(d) The hazards involved in handling the cargo;

(e) Instructions for safe handling of the cargo;

(f) The procedures to be followed if the cargo spills or leaks, or if a person is exposed to the cargo; and

(g) A list of fire fighting procedures and extinguishing agents effective with fires involving the cargo.

(6) The minimum number of persons on duty during transfer operations and their duties;

(7) The names and telephone numbers of facility, Coast Guard, and other personnel who may be called by the employees of the facility in an emergency;

(8) The duties of watchmen, required by § 155.810 of this chapter and 46 CFR 35.05-15, for unmanned vessels moored at the facility;

(9) A description of each communication system required by this part;

(10) The location and facilities of each personnel shelter, if any;

(11) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;

(12) A description and the location of each emergency shutdown system;

(13) Quantity, types, locations, and instructions for use of monitoring devices if required by § 154.525;

(14) Quantity, type, location, instructions for use, and time limits for gaining access to the containment equipment required by § 154.545;

(15) Quantity, type, location, and instructions for use of fire extinguishing equipment required by § 126.15(j) of this chapter;

(16) The maximum relief valve setting (or maximum system pressure when relief valves are not provided) for each oil transfer system;

(17) Procedures for:

(i) Operating each loading arm including the limitations of each loading arm;

(ii) Transferring oil;

(iii) Completion of pumping; and

(iv) Emergencies;

(18) Procedures for reporting and initial containment of oil discharges;

(19) A brief summary of applicable Federal, state, and local oil pollution laws and regulations;

(20) Procedures for shielding portable lighting authorized by the COTP under § 154.570(c); and

(21) A description of the training and qualification program for persons in charge.

(b) If a facility collects vapors emitted from vessel cargo tanks for recovery, destruction, or dispersion, the operations manual must contain a description of the vapor collection system at the facility which includes:

(1) A line diagram or simplified piping and instrumentation diagram (P&ID) of the facility's vapor control system piping, including the location of each valve, control device, pressure-vacuum relief valve, pressure indicator, flame arrester, and detonation arrester; and

(2) A description of the vapor control system's design and operation including the:

(i) Vapor line connection;

(ii) Startup and shutdown procedures;

(iii) Steady state operating procedures;

(iv) Provisions for dealing with pyrophoric sulfide (for facilities which handle inerted vapors of cargoes containing sulfur);

(v) Alarms and shutdown devices; and

(vi) Pre-transfer equipment inspection requirements.

(c) The facility operator shall incorporate a copy of each amendment to the operations manual under § 154.320 in each copy of the manual with the related existing requirement, or add the amendment at the end of each manual if not related to an existing requirement.

(d) The operations manual must be written in the order specified in paragraph (a) of this section, or contain a cross-referenced index page in that order.

(Approved by the Office of Management and Budget under control number 2115-0078)

[CGD 75-124, 45 FR 7171, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25428, June 21, 1990]

EFFECTIVE DATE NOTE: By CGD 88-102, 55 FR 25428, June 21, 1990, § 154.310 was amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, adding a new paragraph (b), and adding a parenthetical phrase concerning OMB approval, effective July 23, 1990.

§ 154.320 Operations manual: Amendment.

(a) Using the following procedures, the COTP may require the facility operator to amend the operations manual if the COTP finds that the operations manual does not meet the requirements in this part:

(1) The COTP shall notify the facility operator in writing of any inadequacies in the operations manual. The facility operator may submit written information, views, and arguments on and proposals for amending the manual within 14 days from the date of the COTP notice. After considering all relevant material presented, the COTP shall notify the facility operator of any amendment required or adopted, or the COTP shall rescind the notice. The amendment becomes effective 30 days after the facility operator receives the notice, unless the facility operator petitions the Commandant to review the COTP's notice, in which case its effective date is delayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing via

the COTP who issued the requirement to amend.

(2) If the COTP finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil that makes the procedure in paragraph (a)(1) of this section impractical or contrary to the public interest, the COTP may issue an amendment effective on the date the facility operator receives notice of it. In such a case, the COTP shall include a brief statement of the reasons for the findings in the notice. The owner or operator may petition the Commandant to review the amendment, but the petition does not delay the amendment.

(b) The facility operator may propose amendments to the operations manual by:

(1) Submitting any proposed amendment and reasons for the amendment to the COTP not less than 30 days before the requested effective date of the proposed amendment; or

(2) If an immediate amendment is needed, requesting the COTP to approve the amendment immediately.

(c) The COTP shall respond to proposed amendments submitted under paragraph (b) of this section by:

(1) Approving or disapproving the proposed amendments;

(2) Advising the facility operator whether the request is approved, in writing, before the requested date of the amendments;

(3) Including any reasons in the written response if the request is disapproved; and

(4) If the request is made under paragraph (b)(2) of this section immediately approving or rejecting the request.

(d) Amendments to personnel and telephone number lists required by § 154.310(a)(8) do not require prior COTP approval, but the COTP must be advised of such amendments as they occur.

§ 154.325 Operations manual: Letter of adequacy.

(a) The letter of adequacy is a letter, from the COTP to the facility operator, certifying that the operations manual meets the requirements of this part.

(b) No person may use an operations manual for oil transfer operations, as required by § 156.120 (t)(2), (t)(3), and (u)(2) of this chapter, unless the facility operator has a valid letter of adequacy for the operations manual.

(c) [Reserved]

(d) The letter of adequacy is voided if the facility operator:

(1) Amends the operations manual without following the procedures in § 154.320; or

(2) Fails to amend the operations manual when required by the COTP.

[CGD 75-124, 45 FR 7171, Jan. 31, 1980, as amended by CGD 83-033, 48 FR 34741, Aug. 1, 1983]

Subpart C—Equipment Requirements

SOURCE: CGD 75-124, 45 FR 7172, Jan. 31, 1980, unless otherwise noted.

§ 154.500 Hose assemblies.

Each hose assembly used for transferring oil must meet the following requirements:

(a) The minimum design burst pressure for each hose assembly must be:

(1) At least 600 pounds per square inch; and

(2) At least four times the sum of the pressure of the relief valve setting (or four times the maximum pump pressure when no relief valve is installed) plus the static head pressure of the oil transfer system at the point where the hose is installed.

(b) The maximum allowable working pressure (MAWP) for each hose assembly must be:

(1) At least 150 pounds per square inch; and

(2) More than the sum of the pressure of the relief valve setting (or the maximum pump pressure when no valve is installed) plus the static head pressure of the oil transfer system at the point where the hose is installed.

(c) Each nonmetallic hose must be usable for oil service.

(d) Each hose assembly must either have:

(1) Full threaded connections;

(2) Flanges that meet standard B16.5, *Steel Pipe Flanges and Flange Fittings*, or standard B.16.24, *Brass or Bronze Pipe Flanges*, of the American

National Standards Institute (ANSI); or

(3) Quick-connect couplings that are acceptable to the Commandant.

(e) Except as provided in paragraph (f) of this section, each hose must be marked with:

(1) The products for which the hose may be used or the words "oil service";

(2) Maximum allowable working pressure;

(3) Date of manufacture; and

(4) Date of the latest test required by § 156.170 of this chapter.

(f) The information required by paragraphs (e) (3) and (4) of this section need not be marked on the hose if it is recorded elsewhere at the facility and the hose is marked to identify it with that information.

(g) The hose burst pressure and the pressure used for the test required by § 156.170 of this chapter must not be marked on the hose and must be recorded elsewhere at the facility as described in paragraph (f) of this section.

(h) Each hose used to transfer oil for fuel to a vessel that has a fill pipe for which containment can not practically be provided must be equipped with an automatic back pressure shutoff nozzle.

§ 154.510 Loading arms.

(a) Each mechanical loading arm used for transferring oil and placed into service after June 30, 1973, must meet the design, fabrication, material, inspection, and testing requirements in ANSI Standard B31.3 with Addenda B31.3a, *Petroleum Refinery Piping*.

(b) The manufacturer's certification that the standard in paragraph (a) of this section has been met must be permanently marked on the loading arm or recorded elsewhere at the facility with the loading arm marked to identify it with that information.

(c) Each mechanical loading arm used for transferring oil must have a means of being drained or closed before being disconnected after transfer of oil.

§ 154.520 Closure devices.

The facility must have enough butterfly valves, wafer-type resilient seated valves, blank flanges, or other

means acceptable to the COTP to blank off the end of each hose or loading arm that is not connected for the transfer of oil. New, unused hose is exempt from this requirement.

§ 154.525 Monitoring devices.

The COTP may require the facility to install monitoring devices if the installation of monitoring devices at the facility would significantly limit the size of a discharge of oil and either:

(a) The environmental sensitivity of the area requires added protection;

(b) The products transferred at the facility pose a significant threat to the environment; or

(c) The size or complexity of the transfer operation poses a significant potential for a discharge of oil.

§ 154.530 Small discharge containment.

(a) Except as provided in paragraphs (c) and (d) of this section, the facility must have fixed catchments, curbing, or other fixed means to contain oil discharged in at least:

(1) Each hose handling and loading arm area (that area on the facility that is within the area traversed by the free end of the hose or loading arm when moved from its normal stowed or idle position into a position for connection); and

(2) Each hose connection manifold area.

(b) The discharge containment means required by paragraph (a) of this section must have a capacity of at least:

(1) Two barrels if it serves one or more hoses of 6-inch inside diameter or smaller, or loading arms of 6-inch nominal pipe size diameter or smaller;

(2) Three barrels if it serves one or more hoses with an inside diameter of more than 6-inches, but less than 12 inches, or loading arms with a nominal pipe size diameter of more than 6 inches, but less than 12 inches; or

(3) Four barrels if it serves one or more hoses of 12-inch inside diameter or larger, or loading arms of 12-inch nominal pipe size diameter or larger.

(c) The facility may use portable means of not less than ¼ barrel capacity each to meet the requirements of paragraph (a) of this section for part

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or all of the facility if the COTP finds that fixed means to contain oil discharges are not feasible.

(d) A mobile facility may have portable means of not less than five gallons capacity to meet the requirements of paragraph (a) of this section.

§ 154.540 Discharge removal.

The facility must have a means to safely and quickly remove discharged oil from the containment means required by § 154.530 without discharging the oil into the water.

§ 154.545 Discharge containment equipment.

(a) Each facility must have ready access to enough oil containment material and equipment to contain any oil discharged on the water from operations at that facility.

(b) For the purpose of this section, "access" may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

(c) Each facility must establish time limits, subject to approval by the COTP, for deployment of the containment material and equipment required by paragraph (a) of this section considering:

- (1) Oil handling rates;
- (2) Oil capacity susceptible to being spilled;
- (3) Frequency of facility operations;
- (4) Tidal and current conditions;
- (5) Facility age and configuration; and
- (6) Past record of discharges.

(d) The COTP may require a facility to surround each vessel conducting an oil transfer operation with oil containment material before commencing an oil transfer operation if:

- (1) The environmental sensitivity of the area requires the added protection;
- (2) The products transferred at the facility pose a significant threat to the environment;
- (3) The past record of discharges at the facility is poor; or
- (4) The size or complexity of the transfer operation poses a significant potential for a discharge of oil; and
- (5) The use of vessel containment provides the only practical means to

reduce the extent of environmental damage.

§ 154.550 Emergency shutdown.

(a) The facility must have an emergency means to enable the person-in-charge of the transfer of oil on board the vessel, at his or her usual operating station, to stop the flow of oil from the facility to the vessel. This means must be:

(1) An electrical, pneumatic, or mechanical linkage to the facility; or

(2) An electronic voice communications system continuously operated by a person on the facility who can stop the flow of oil immediately.

(b) The point in the oil transfer system at which the emergency means stops the flow of oil on the facility must be located near the dock manifold connection to minimize the loss of oil in the event of the rupture or failure of the:

- (1) Hose;
- (2) Loading arm; or
- (3) Manifold valve.

(c) Not later than November 1, 1980, the means required by paragraph (a) of this section must be able to stop the flow of oil in:

- (1) 60 seconds on any facility or portion of a facility which starts operations on or before November 1, 1980; and
- (2) 30 seconds on any facility which starts operations after November 1, 1980.

§ 154.560 Communications.

(a) Each facility must have a means that enables continuous two-way voice communication between the person in charge of the vessel transfer operation and the person in charge of the facility transfer operation.

(b) Each facility must have a means, which may be the communications system itself, that enables a person on board a vessel or on the facility to effectively indicate the desire to use the means of communication required by paragraph (a) of this section.

(c) The means required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all conditions of weather at the facility.

(d) A facility may use the system in § 154.550(a)(2) to meet the requirement of paragraph (a) of this section.

(e) Portable radio devices used to comply with paragraph (a) of this section during the transfer of flammable or combustible liquids must be intrinsically safe, as defined in 46 CFR 110.15-100(i), and meet Class I, Division I, Group D requirements as defined in 46 CFR 111.80.

[CGD 75-124, 45 FR 7172, Jan. 31, 1980; 45 FR 43705, June 30, 1980]

§ 154.570 Lighting.

(a) Except as provided in paragraph (c) of this section, for operations between sunset and sunrise, a facility must have fixed lighting that adequately illuminates:

(1) Each transfer connection point on the facility;

(2) Each transfer connection point in use on any barge moored at the facility to or from which oil is being transferred;

(3) Each oil transfer operations work area on the facility; and

(4) Each oil transfer operations work area on any barge moored at the facility to or from which oil is being transferred.

(b) Where the illumination is apparently inadequate, the COTP may require verification by instrument of the levels of illumination. On a horizontal plane 3 feet above the barge deck or walking surface, illumination must measure at least:

(1) 5.0 foot candles at transfer connection points; and

(2) 1.0 foot candle in oil transfer operations work areas.

(c) For small or remote facilities, the COTP may authorize operations with an adequate level of illumination provided by the vessel or by portable means.

(d) Lighting must be located or shielded so as not to mislead or otherwise interfere with navigation on the adjacent waterways.

operating procedures of that facility meet the requirements of this part.

[CGD 75-124, 45 FR 7173, Jan. 31, 1980]

§ 154.710 Persons in charge: Designation and qualification.

No person may serve, and the facility operator may not use the services of a person, as person in charge of facility oil transfer operations unless:

(a) The facility operator has designated that person as a person in charge and has advised the Captain of the Port in writing of his designation;

(b) He has had at least 48 hours of experience in oil transfer operations at a facility in operations to which this part applies;

(c) He has enough experience at the facility for which qualification is desired to enable the facility operator to determine that his experience is adequate and that he can operate the oil transfer equipment of the facility, except that, for new facilities, the Captain of the Port may authorize alternative experience requirements; and

(d) The facility operator has determined that he knows:

(1) The hazards of each product to be transferred;

(2) The rules in this part and in Part 156 of this chapter;

(3) The facility operating procedures as described in the operations manual;

(4) Vessel oil transfer systems, in general;

(5) Vessel oil transfer control systems, in general;

(6) Each facility oil transfer control system to be used;

(7) Local discharge reporting procedures; and

(8) The facility's contingency plan for discharge reporting and containment.

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1)(C); EO 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

[CGD 71-160R, 37 FR 28253, Dec. 21, 1972]

§ 154.730 Persons in charge: Evidence of designation.

Each person in charge shall carry evidence of his designation as a person in charge when he is engaged in trans-

Subpart D—Facility Operations

§ 154.700 General.

No person may operate a facility unless the equipment, personnel, and

§ 154.740

fer operations unless such evidence is immediately available at the facility.

(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1)(C); EO 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))

[CGD 71-160R, 37 FR 28253, Dec. 21, 1972]

§ 154.740 Records.

Each facility operator shall keep at the facility and make available for examination by the COTP:

(a) A copy of the letter of intent for the facility;

(b) The name of each person currently designated as a person in charge of oil transfer operations at the facility;

(c) The date and result of the most recent test or examination of each item tested or examined under § 156.170 of this chapter;

(d) The hose information required by § 154.500 (e) and (g) except that marked on the hose;

(e) The record of all examinations of the facility by the COTP within the last 3 years;

(f) The Declaration of Inspection required by § 156.150(f) of this chapter;

(g) A record of all repairs made within the last three years involving any component of the facility's vapor control system required by subpart E of this part;

(h) A record of all automatic shut downs of the facility's vapor control system within the last 3 years; and

(i) Plans, calculations, and specifications of the facility's vapor control system certified under § 154.804 of this part.

(Approved by the Office of Management and Budget under control number 2115-0096)

[CGD 75-124, 45 FR 7173, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25429, June 21, 1990]

EFFECTIVE DATE NOTE: By CGD 88-102, 55 FR 25428, June 21, 1990, in § 154.740, paragraph (e) was amended by deleting the word "and" at the end of the paragraph, paragraph (f) was amended by replacing the period at the end of the paragraph with a semicolon, and paragraphs (g), (h) and (i) and the parenthetical phrase concerning OMB approval were added, effective July 23, 1990.

33 CFR Ch. I (7-1-90 Edition)

§ 154.750 Compliance with operations manual.

The facility operator shall require facility personnel to use the procedures in the operations manual prescribed by § 154.300 for operations under this part.

[CGD 75-124, 45 FR 7174, Jan. 31, 1980]

Subpart E—Vapor Control Systems

SOURCE: CGD 88-102, 55 FR 25429, June 21, 1990, unless otherwise noted.

EFFECTIVE DATE NOTE: By CGD 88-102, 55 FR 25429, June 21, 1990, §§ 154.800 through 154.850 (Subpart E) were added, effective July 23, 1990.

§ 154.800 Applicability.

(a) Except as specified by paragraph (c) of this section, this subpart applies to:

(1) Each facility which collects vapors of crude oil, gasoline blends, or benzene emitted from vessel cargo tanks;

(2) A vessel which is not a tank vessel that has a vapor processing unit located on board for recovery, destruction, or dispersion of crude oil, gasoline blends, or benzene vapors from a tank vessel; and

(3) Certifying entities which review, inspect, test, and certify facility vapor control systems.

(b) A facility which collects vapors of flammable or combustible cargoes other than crude oil, gasoline blends, or benzene, must meet the requirements prescribed by the Commandant (G-MTH).

(c) A facility with an existing Coast Guard approved vapor control system which was operating prior to July 23, 1990 is subject only to § 154.850 of this subpart as long as it receives cargo vapor only from the specific vessels for which it was approved.

(d) This subpart does not apply to the collection of vapors of liquefied flammable gases as defined in 46 CFR 30.10-39.

(e) When a facility vapor control system which receives cargo vapor from a vessel is connected to a facility vapor control system that serves tank storage areas and other refinery processes, the specific requirements of this

subpart apply between the vessel vapor connection and the point where the vapor control system connects to the facility's main vapor control system.

§ 154.802 Definitions.

As used in this subpart:

Certifying entity means an individual or organization accepted by the Commandant (G-MTH) to review plans and calculations for vapor control system designs, and to conduct initial inspections and witness tests of vapor control system installations.

Existing vapor control system means a vapor control system which was operating prior to July 23, 1990.

Facility vapor connection means the point in a facility's vapor collection system where it connects to a vapor collection hose or the base of a vapor collection arm.

Inerted means the oxygen content of the vapor space in a tank vessel's cargo tank is reduced to 8 percent by volume or less in accordance with the inert gas requirements of 46 CFR 32.53 or 46 CFR 153.500.

Liquid knockout vessel means a device to separate liquid from vapor.

Maximum allowable transfer rate means the maximum volumetric rate at which a vessel may receive cargo or ballast.

New vapor control system means a vapor control system which is not an existing vapor control system.

Vapor balancing means the transfer of vapor displaced by incoming cargo from the tank of a vessel receiving cargo into a tank of the vessel or facility delivering cargo via a vapor collection system.

Vapor collection system means an arrangement of piping and hoses used to collect vapor emitted from a vessel's cargo tanks and transport the vapor to a vapor processing unit.

Vapor control system means an arrangement of piping and equipment used to control vapor emissions collected from a vessel, and includes the vapor collection system and the vapor processing unit.

Vapor destruction unit means a vapor processing unit that destroys cargo vapor by a means such as incineration.

Vapor dispersion system means a vapor processing unit which releases cargo vapor to the atmosphere through a venting system not located on the vessel being loaded or ballasted.

Vapor processing unit means the components of a vapor control system that recovers, destroys, or disperses vapor collected from a vessel.

Vapor recovery unit means a vapor processing unit that recovers cargo vapor by a non-destructive means such as lean oil absorption, carbon bed adsorption, or refrigeration.

Vessel vapor connection means the point in a vessel's fixed vapor collection system where it connects to a vapor collection hose or arm.

§ 154.804 Review, certification, and initial inspection.

(a) A new vapor control system installation must be certified by a certifying entity as meeting the requirements of this subpart prior to operating.

(b) An existing vapor control system installation not exempted by § 154.800(c) of this subpart must be certified by a certifying entity by July 23, 1992. Plans, calculations, and specifications for the installation must be submitted to a certifying entity for review by January 23, 1991.

(c) An existing vapor control system installation that has been Coast Guard approved for operation with specific vessels must be certified by a certifying entity prior to receiving vapors from other vessels.

(d) Plans and information submitted to the certifying entity must include a qualitative failure analysis. The analysis must demonstrate the following:

(1) The vapor control system is designed to permit the system to continuously operate safely when receiving cargo vapors from tankships and barges over the full range of transfer rates expected at the facility;

(2) The vapor control system is provided with the proper alarms and automatic control systems to prevent unsafe operation;

(3) The vapor control system is equipped with sufficient automatic or passive devices to minimize damage to

personnel, property, and the environment if an accident were to occur; and

(4) If a quantitative failure analysis is also conducted, the level of safety attained is at least one order of magnitude greater than that calculated for operating without a vapor control system.

NOTE: The American Institute of Chemical Engineers publication, "Guidelines for Hazard Evaluation Procedures" may be used as guidance when preparing a qualitative failure analysis. Military Standard MIL-STD-882B may be used as guidance when preparing a quantitative failure analysis.

(e) The certifying entity must conduct all initial inspections and witness all tests required to demonstrate that the facility:

(1) Conforms to certified plans and specifications;

(2) Meets the requirements of this subpart; and

(3) Is operating properly.

(f) Upon receipt of written certification from the certifying entity that a facility's vapor control system complies with the requirements of this part the CO/P shall endorse the letter of adequacy required by § 154.325 of this part to indicate that the facility is acceptable for collecting vapors of crude oil, gasoline blends, benzene, or any other vapors for which it is certified.

(g) Any design or configuration alteration involving a certified vapor control system must be reviewed by a certifying entity. After conducting any inspections and witnessing tests necessary to verify that the modified vapor control system meets the requirements of this subpart, the certifying entity must recertify the installation.

(h) Certifications issued in accordance with this section and a copy of the plans, calculations, and specifications for the vapor control system must be maintained at the facility.

(i) A certifying entity accepted under § 154.806 of this subpart may not certify a facility vapor control system if it was involved in the design or installation of the system.

(Approved by the Office of Management and Budget under control number 2115-0581)

§ 154.806 Application for acceptance as a certifying entity.

(a) An individual or organization seeking acceptance as a certifying entity must apply in writing to the Commandant (G-MTH). Each application must be signed and certified to be correct by the applicant or, if the applicant is an organization, by an authorized officer or official representative of the organization, and must include a letter of intent from a facility owner or operator to use the services of the individual or organization to certify a vapor control system installation. Any false statement or misrepresentation, or the knowing and willful concealment of a material fact may subject the applicant to prosecution under the provisions of 18 U.S.C. 1001, and denial or termination of acceptance as a certifying entity.

(b) The applicant must possess the following minimum qualifications, and be able to demonstrate these qualifications to the satisfaction of the Commandant (G-MTH):

(1) The ability to review and evaluate design drawings and failure analyses;

(2) A knowledge of the applicable regulations of this subpart, including the standards incorporated by reference in these regulations;

(3) The ability to monitor and evaluate test procedures and results;

(4) The ability to perform inspections and witness tests of bulk liquid cargo handling systems;

(5) That it is not controlled by an owner or operator of a vessel or facility engaged in controlling vapor emissions; and

(6) That it is not dependent upon Coast Guard acceptance under this section to remain in business.

(c) Each application for acceptance must contain the following:

(1) The name and address of the applicant, including subsidiaries and divisions if applicable;

(2) A statement that the applicant is not controlled by an owner or operator of a vessel or facility engaged in controlling vapor emissions, or a full disclosure of any ownership or controlling interest held by such owners or operators;

(3) A description of the experience and qualifications of the person(s) who would be reviewing or testing the systems;

(4) A statement that the person(s) who would be reviewing or testing the systems is/are familiar with the regulations in this subpart; and

(5) A statement that the Coast Guard may verify the information submitted in the application and may examine the person(s) who would be reviewing or testing the systems to determine their qualifications.

(d) The acceptance of a certifying entity may be terminated by the Commandant (G-MTH) if the entity fails to properly review, inspect, or test a system in accordance with this subpart.

NOTE: A list of entities accepted to certify facility vapor control system installations is available from the Commandant (G-MTH). (Approved by the Office of Management and Budget under control number 2115-0581)

§ 154.808 Vapor control system, general.

(a) A vapor control system design and installation must eliminate potential overfill hazards, overpressure and vacuum hazards, and sources of ignition to the maximum practical extent. Each remaining hazard source which is not eliminated must be specifically addressed in the protection system design and operational requirements.

(b) Vapor collection system piping and fittings must be in accordance with ANSI B31.3 and designed for a maximum allowable working pressure of at least 150 psig. Valves and flanges must be in accordance with ANSI B16.5 or B16.24, 150 pound class.

(c) All electrical equipment used in a vapor control system must comply with NFPA 70.

(d) Any pressure, flow, or concentration indication required by this part must provide a remote indicator on the facility where the cargo transfer and vapor control systems are controlled.

(e) Any alarm condition specified in this part must activate an audible and visible alarm where the cargo transfer and vapor control systems are controlled.

(f) The vapor control system must be separated or insulated from external heat sources to limit vapor control system piping surface temperature to not more than 177 °C. (350 °F.) during normal operation.

(g) A means must be provided to eliminate any liquid condensate from the vapor collection system which carries over from the vessel or condenses as a result of an enrichment process.

(h) If a liquid knockout vessel is installed it must have:

(1) A means to indicate the level of liquid in the device;

(2) A high liquid level sensor that activates an alarm; and

(3) A high high level sensor that closes the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart and shuts down any compressors or blowers prior to liquid carrying over from the vessel to the compressor or blower.

(i) Vapor collection piping must be electrically grounded and electrically continuous.

(j) If the facility handles inerted vapors of cargoes containing sulfur, provisions must be made to control heating from pyrophoric iron sulfide deposits in the vapor collection line.

§ 154.810 Vapor line connections.

(a) A remotely operated cargo vapor shutoff valve must be installed in the vapor collection line between the facility vapor connection and the nearest point where any inerting, enriching, or diluting gas is introduced into the vapor collection line or where a detonation arrester is fitted. The valve must:

(1) Close within thirty (30) seconds after detection of a shutdown condition by a component required by this subpart;

(2) Close automatically if the control signal is lost;

(3) Activate an alarm when a signal to shut down is received;

(4) Be capable of manual operation or manual activation;

(5) Have a local valve position indicator or be designed so that the valve position can be readily determined from the valve handle or valve stem position; and

(6) If the valve seat is fitted with resilient material, not allow appreciable leakage when the resilient material is damaged or destroyed.

(b) Except when a vapor collection arm is used, the last 1.0 meter (3.3 feet) of vapor piping before the facility vapor connection must be:

(1) Painted red/yellow/red with:

(i) The red bands 0.1 meter (0.33 feet) wide, and

(ii) The middle yellow band 0.8 meter (2.64 feet) wide; and

(2) Labeled "VAPOR" in black letters at least 50 millimeters (2 inches) high.

(c) Each facility vapor connection flange must have a permanently attached 0.5 inch diameter stud at least 1.0 inch long projecting outward from the flange face. The stud must be located at the top of the flange, midway between bolt holes, and in line with the bolt hole pattern.

(d) Each hose used for transferring vapors must:

(1) Have a design burst pressure of at least 25 psig;

(2) Have a maximum allowable working pressure of at least 5 psig;

(3) Be capable of withstanding at least 2.0 psi vacuum without collapsing or constricting;

(4) Be electrically continuous with a maximum resistance of ten thousand (10,000) ohms;

(5) Have flanges with:

(i) A bolt hole arrangement complying with the requirements for 150 pound class ANSI B16.5 flanges, and

(ii) One or more 0.625 inch diameter holes in the flange located midway between bolt holes and in line with the bolt hole pattern;

(6) Be abrasion resistant and resistant to kinking; and

(7) Have the last 1.0 meter (3.3 feet) of each end of the vapor hose marked in accordance with paragraph (b) of this section.

(e) Vapor hose handling equipment must be provided with hose saddles which provide adequate support to prevent kinking or collapse of hoses.

(f) Fixed vapor collection arms must:

(1) Meet the requirements of paragraphs (d)(1) through (d)(5) of this section;

(2) Have the last 1.0 meter (3.3 feet) of the arm marked in accordance with paragraph (b) of this section.

(g) The facility vapor connection must be electrically insulated from the vessel vapor connection in accordance with section 6.10 of the OCIMF International Safety Guide for Oil Tankers and Terminals.

(h) A vapor collection system fitted with an enriching system that operates at a positive gauge pressure at the facility vapor connection must be fitted with:

(1) A manual isolation valve between each facility vapor connection and the remotely operated cargo vapor shutoff valve required by paragraph (a) of this section; and

(2) A means to prevent backflow of enriched vapor to the vessel's vapor collection system.

§ 154.812 Facility requirements for vessel liquid overfill protection.

(a) Each facility which receives cargo vapor from a tank barge which is fitted with overfill protection in accordance with 46 CFR 39.20-9(a) as its only means of overfill protection must provide a 120 volt, 30 amp explosion proof receptacle which meets:

(1) ANSI/NEMA WD6;

(2) NFPA 70, Articles 410-57 and 501-12; and

(3) 46 CFR 111.105-9.

(b) Each facility that receives cargo vapor from a tank barge fitted with an intrinsically safe cargo tank level sensor system complying with 46 CFR 39.20-9(b) as its only means of overfill protection must have an overfill control panel on the dock capable of powering and receiving an alarm and shutdown signal from the cargo tank level sensor system that:

(1) Closes the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart and activates the emergency shutdown system required by § 154.550 of this part when:

(i) A tank overfill signal is received from the barge, or

(ii) Electrical continuity of the cargo tank level sensor system is lost;

(2) Activates an alarm which is audible and visible to barge personnel and

facility personnel when a tank overflow signal, or an optional high level signal corresponding to a liquid level lower than the tank overflow sensor setting, is received from the barge;

(3) Has a means to electrically and mechanically test the alarms and automatic shutdown systems prior to transferring cargo to or ballasting the tank barge;

(4) Has suitable means, such as approved intrinsic safety barriers able to accept passive devices, to ensure that the overflow and optional alarm circuits on the barge side of the overflow control panel, including cabling, normally closed switches, and pin and sleeve connectors, are intrinsically safe;

(5) Is labeled with the maximum allowable inductance and capacitance to be connected to the panel, as specified by the equipment manufacturer; and

(6) Has a female connecting plug for the tank barge level sensor system with a 5 wire, 16 amp connector body meeting IEC 309-1/309-2 which is:

(i) Configured with pins S2 and R1 for the tank overflow sensor circuit, pin G connected to the cabling shield, and pins N and T3 reserved for an optional high level alarm connection;

(ii) Labeled "Connector for Barge Overflow Control System"; and

(iii) Connected to the overflow control panel by a shielded flexible cable.

§ 154.814 Facility requirements for vessel vapor overpressure and vacuum protection.

(a) A facility's vapor collection system must have the capacity for collecting cargo vapor at a rate of not less than 1.25 times the facility's maximum liquid transfer rate for cargo for which vapor collection is required plus any inerting, diluting, or enriching gas which may be added to the system, unless the vapor growth for turbulent loading of the most volatile liquid handled by the facility is less than 25 percent.

(b) A facility vapor collection system must maintain the pressure in a vessel's cargo tanks between 80 percent of the highest setting of any of the vessel's vacuum relief valves and 80 percent of the lowest setting of any of the vessel's pressure relief valves for a non-inerted tank vessel, and between

0.2 psig and 80 percent of the lowest setting of any of the vessel's pressure relief valves for an inerted tank vessel. The system must be capable of maintaining the pressure in the vessel's cargo tanks within this range at any cargo transfer rate less than or equal to the maximum transfer rate determined at the pre-transfer conference required by § 156.120(w) of this chapter.

(c) The pressure measured at the facility vapor connection must be corrected for pressure drops across the vessel's vapor collection system and the vapor collection hose or arm.

(d) A pressure sensing device must be provided which activates an alarm when the pressure at the facility vapor connection exceeds either the pressure corresponding to the upper pressure determined in paragraph (b) of this section or a lower pressure agreed upon at the pre-transfer conference required by § 156.120(w) of this chapter.

(e) A pressure sensing device must be provided which activates an alarm when the pressure at the facility vapor connection falls below either the pressure corresponding to the lower pressure determined in paragraph (b) of this section or a higher pressure agreed upon at the pre-transfer conference required by § 156.120(w) of this chapter.

(f) A pressure sensing device must be provided which activates the emergency shutdown system required by § 154.550 of this part and closes the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart when the pressure at the facility vapor connection exceeds 2.0 psi, or a lower pressure agreed upon at the pre-transfer conference required by § 156.120(w) of this chapter. The sensing device must be independent of the device used to activate the alarm required by paragraph (d) of this section.

(g) A pressure sensing device must be provided which closes the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart when the vacuum at the facility vapor connection is more than 1.0 psi, or a lesser vacuum set at the pre-transfer conference required by § 156.120(w) of

this chapter. The sensing device must be independent of the device used to activate the alarm required by paragraph (e) of this section.

(h) The pressure sensing devices required by paragraphs (e) and (f) of this section must be located in the vapor collection line between the facility vapor connection and the manual isolation valve, if required by § 154.810(h) of this subpart, unless an interlock is provided which prevents operation of the system when the isolation valve is closed.

(i) A pressure indicating device must be provided which indicates the pressure in the vapor collection line.

(j) If a compressor, blower, or eductor capable of drawing more than 1.0 psi vacuum is used to draw vapor from the vessel, a vacuum relief valve must be installed in the vapor collection line between the compressor, blower, or eductor and the facility vapor connection, which:

(1) Relieves at a pressure such that the pressure in the vapor collection system at the facility vapor connection does not exceed 1.0 psi vacuum;

(2) Has a relieving capacity equal to or greater than the capacity of the compressor, blower, or eductor;

(3) Has a flame screen fitted at the vacuum relief opening; and

(4) Has been tested for relieving capacity in accordance with paragraph 1.5.1.3 of API 2000 with a flame screen fitted.

(k) When a facility collects cargo vapor through an undersea pipeline from a vessel moored offshore, the vacuum relief valve may be set at a vacuum greater than 1.0 psi vacuum provided the pressure controls take into account the pressure drop across the vessel's vapor collection system, any vapor collection hoses, and the undersea pipeline as a function of the actual transfer rate.

(l) If the pressure in the vapor collection system can exceed 2.0 psig due to a malfunction in an inerting, enriching, or diluting system a pressure relief valve must:

(1) Be installed between the point where inerting, enriching, or diluting gas is introduced into the vapor collection system and the facility vapor connection;

(2) Relieve at a pressure such that the pressure in the vapor collection system at the facility vapor connection does not exceed 2.0 psig;

(3) Have a relieving capacity equal to or greater than the maximum capacity of the facility inerting, enriching, or diluting gas source;

(4) If not designed to insure a minimum vapor discharge velocity of 30 meters (98.4 ft.) per second, have a flame screen fitted at the discharge opening; and

(5) Have been tested for relieving capacity in accordance with paragraph 1.5.1.3 of API 2000.

(m) The relieving capacity test required by paragraph (l)(5) must be carried out with a flame screen fitted at the discharge opening if the pressure relief valve is not designed to insure a minimum vapor discharge velocity of 30 meters (98.4 ft.) per second.

§ 154.820 Fire, explosion, and detonation protection.

(a) A vapor control system with a single facility vapor connection that receives vapor only from a vessel with inerted cargo tanks and processes vapor with a vapor recovery unit must:

(1) Be capable of inerting the vapor collection line in accordance with § 154.824(a) of this subpart prior to receiving vapors from the vessel;

(2) Have at least one oxygen analyzer that samples the vapor concentration continuously at a point not more than 6 meters (19.7 ft.) from the facility vapor connection; and

(3) Meet § 154.824 (f)(1), (f)(2), (g), (h)(2), and (h)(3) of this subpart.

(b) A vapor control system with a single facility vapor connection that receives vapor only from a vessel with inerted cargo tanks and processes vapor with a vapor destruction unit must:

(1) Have a detonation arrester located not more than 6 meters (19.7 ft.) from the facility vapor connection; or

(2) Have an inerting system that meets the requirements of § 154.824 of this subpart.

(c) A vapor control system with a single facility vapor connection that receives vapor from a vessel with cargo

tanks that are not inerted and processes vapor with a vapor recovery unit must:

(1) Have a detonation arrester located not more than 6 meters (19.7 ft.) from the facility vapor connection; or

(2) Have an inerting, enriching, or diluting system that meets the requirements of § 154.824 of this subpart.

(d) A vapor control system with a single facility vapor connection that receives vapor from a vessel with cargo tanks that are not inerted and processes the vapor with a vapor destruction unit must:

(1) Have a detonation arrester located not more than 6 meters (19.7 ft.) from the facility vapor connection; and

(2) Have an inerting, enriching, or diluting system that meets the requirements of § 154.824 of this subpart.

(e) A vapor control system with multiple facility vapor connections that processes vapor with a vapor recovery unit must have a detonation arrester located not more than 6 meters (19.7 ft.) from each facility vapor connection.

(f) A vapor control system with multiple facility vapor connections that processes vapor with a vapor destruction unit must:

(1) Have a detonation arrester located not more than 6 meters (19.7 ft.) from each facility vapor connection; and

(2) Have an inerting, enriching, or diluting system that meets the requirements of § 154.824 of this subpart.

(g) A vapor control system that uses a vapor balancing system in which cargo vapor from a vessel is transferred through the facility vapor collection system to facility storage tanks must:

(1) Have a detonation arrester located not more than 6 meters (19.7 ft.) from each facility vapor connection;

(2) Have a detonation arrester located within the storage tank containment area as close as practical to the vapor return connection of each facility storage tank; and

(3) Have facility storage tank high level alarm systems and facility stor-

age tank overflow control systems arranged to prevent cargo from entering the vapor return line.

(h) Except for a discharge vent from a vapor destruction unit, each outlet of a vapor control system that vents to atmosphere and is not isolated with a pressure-vacuum relief valve must have a flame arrester located at the outlet.

§ 154.822 Detonation arresters, flame arresters, and flame screens.

(a) Each detonation arrester required by this part must:

(1) Be capable of arresting a detonation from either side of the device; and

(2) Be acceptable to the Commandant (G-MTH). A detonation arrester designed, built, and tested in accordance with appendix A of this part will be acceptable to the Commandant (G-MTH).

(b) Each flame arrester required by this part must be acceptable to the Commandant (G-MTH). A flame arrester designed, built, and tested in accordance with appendix B of this part will be acceptable to the Commandant (G-MTH).

(c) Each flame screen required by this part must be either a single screen of corrosion resistant wire of at least 30 by 30 mesh, or two screens, both of corrosion resistant wire, of at least 20 by 20 mesh, spaced not less than 25 millimeters ($\frac{1}{4}$ in.) or more than 75 millimeters ($1\frac{1}{2}$ in.) apart.

§ 154.824 Inerting, enriching, and diluting systems.

(a) A vapor control system which uses inerting, enriching or diluting gas must be capable of inerting, enriching, or diluting the vapor collection line and the vapor collection hose or arm prior to receiving cargo vapor.

(b) Except as permitted by § 154.820(a) of this subpart, a vapor control system which uses an inerting, enriching, or diluting system must be equipped with a gas injection and mixing arrangement located as close as practical but not more than 10 meters (32.8 ft.) from the facility vapor connection that ensures complete mixing of the gases within 20 pipe diameters of the injection point;

(c) A vapor control system that uses an inerting or enriching system may not be operated at a vacuum after the injection point unless:

(1) There are no sleeve-type pipe couplings, vacuum relief valves, or other devices which could allow air into the vapor collection system downstream of the injection point; or

(2) An additional analyzer is used to monitor the downstream vapor concentration and a means is provided to inject additional inerting or enriching gas.

(d) A vapor control system that uses analyzers to control the amount of inerting, enriching, or diluting gas injected into the vapor collection line must be equipped with at least 2 analyzers. The analyzers must be connected so that:

(1) When oxygen analyzers are used, the higher oxygen concentration reading controls the inerting or enriching system and activates the alarm and automatic shutdown system required by paragraph (h), (j) or (k)(2) of this section;

(2) When hydrocarbon analyzers are used, the lower hydrocarbon concentration reading controls the enriching system and activates the alarm and automatic shutdown system required by paragraph (i) or (k)(1) of this section; and

(3) When hydrocarbon analyzers are used, the higher hydrocarbon concentration reading controls the diluting system and activates the alarm and automatic shutdown system required by paragraph (l) of this section.

(e) A vapor control system that uses volumetric measurements to control the amount of inerting, enriching, or diluting gas injected into the vapor collection line must be equipped with at least one analyzer to activate the alarms and automatic shutdown systems required by this section.

(f) Each oxygen or hydrocarbon analyzer required by this section must:

(1) Be installed in accordance with API Recommended Practice 550;

(2) Have a response time of not more than 30 seconds from the time the vapor is sampled; and

(3) Sample the vapor concentration continuously not more than 30 pipe diameters from the gas injection point.

(g) Oxygen analyzers which operate at elevated temperatures (i.e. zirconia oxide or thermomagnetic) must not be used.

(h) An inerting system must:

(1) Supply sufficient inert gas to the vapor stream to ensure that the oxygen concentration throughout the vapor collection system is maintained below 8.0 percent by volume;

(2) Activate an alarm when the oxygen concentration in the vapor collection line exceeds 8.0 percent by volume;

(3) Close the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this part when the oxygen concentration in the vapor collection line exceeds 9.0 percent by volume; and

(4) If a combustion device is used to produce the inert gas, have a hydraulic seal and non-return valve between the combustion device and the vapor collection line.

(i) An enriching system must:

(1) Supply sufficient compatible hydrocarbon vapor to the vapor stream to ensure that the hydrocarbon concentration throughout the vapor collection system is maintained above 170 percent by volume of the upper flammable limit;

(2) Activate an alarm when the hydrocarbon concentration in the vapor collection line falls below 170 percent by volume of the upper flammable limit; and

(3) Close the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart when the hydrocarbon concentration in the vapor collection line falls below 150 percent by volume of the upper flammable limit.

(j) Oxygen analyzers may be used in lieu of hydrocarbon analyzers in an enriching system at a facility that receives cargo vapor only from a vessel with non-inerted cargo tanks, provided that the analyzers:

(1) Activate an alarm when the oxygen concentration in the vapor collection line exceeds 15.5 percent by volume; and

(2) Close the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart when the oxygen concentration in the vapor collection line exceeds 15.5 percent by volume.

lection line exceeds 16.5 percent by volume.

(k) An enriching system may be used in a vapor collection system that receives cargo vapor from a vessel with inerted cargo tanks if:

(1) Hydrocarbon analyzers are used to comply with paragraph (1)(2) and (1)(3) of this section; or

(2) If oxygen analyzers are used, the analyzers activate an alarm when the oxygen concentration in the vapor collection line exceeds 8 percent by volume, and close the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart when the oxygen concentration exceeds 9 percent by volume.

(l) An air dilution system must:

(1) Supply sufficient additional air to the vapor stream to ensure that the hydrocarbon concentration throughout the vapor collection system is maintained below 30 percent by volume of the lower flammable limit;

(2) Activate an alarm when the hydrocarbon concentration in the vapor collection line exceeds 30 percent by volume of the lower flammable limit; and

(3) Close the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart when the hydrocarbon concentration in the vapor collection line exceeds 50 percent by volume of the lower flammable limit.

§ 154.826 Vapor compressors and blowers.

(a) Each inlet and outlet to a compressor or blower which handles vapor that has not been inerted, enriched, or diluted in accordance with § 154.824 of this subpart must be fitted with:

(1) A detonation arrester;

(2) A flame arrester; or

(3) An explosion suppression system acceptable to the Commandant (G-MTH).

(b) If a reciprocating or screw-type compressor handles vapor in the vapor collection system, it must be provided with indicators and audible and visible alarms to warn against the following conditions:

(1) Excessive discharge gas temperature at each compressor chamber or cylinder;

(2) Excessive cooling water temperature;

(3) Excessive vibration;

(4) Low lube oil level;

(5) Low lube oil pressure; and

(6) Excessive shaft bearing temperatures.

(c) If a liquid ring-type compressor handles vapor in the vapor collection system, it must be provided with indicators and audible and visible alarms to warn against the following conditions:

(1) Low level of liquid sealing medium;

(2) Lack of flow of liquid sealing medium;

(3) Excessive temperature of the liquid sealing medium;

(4) Low lube oil level;

(5) Low lube oil pressure, if pressurized lubricating system; and

(6) Excessive shaft bearing temperature.

(d) If a centrifugal compressor, fan, or lobe blower handles vapor in the vapor collection system, construction of the blades and/or housing must meet one of the following:

(1) Blades or housing of nonmetallic construction;

(2) Blades and housing of nonferrous material;

(3) Blades and housing of corrosion resistant steel;

(4) Ferrous blades and housing with one-half inch or more design tip clearance; or

(5) Blades of aluminum or magnesium alloy and a ferrous housing with a nonferrous insert sleeve at the periphery of the impeller.

§ 154.828 Vapor recovery and vapor destruction units.

(a) The inlet to a vapor recovery unit which receives cargo vapor that has not been inerted, enriched, or diluted in accordance with § 154.824 of this subpart must be fitted with one of the following:

(1) A detonation arrester;

(2) A flame arrester; or

(3) An explosion suppression system acceptable to the Commandant (G-MTH).

(b) The inlet to a vapor destruction unit must:

§ 154.840

- (1) Have a liquid seal; and
- (2) Have two quick-closing stop valves installed in the vapor line.
- (c) A vapor destruction unit must:
 - (1) Not be within 30 meters (98.8 ft.) of any tank vessel berth or mooring at the facility;
 - (2) Have a flame arrester or detonation arrester fitted in the vapor line; and
 - (3) Alarm and shut down when a flame is detected on the flame arrester or detonation arrester.
 - (d) When a vapor destruction unit shuts down or has a flame-out condition the vapor destruction unit control system must:
 - (1) Close the quick-closing stop valves required by paragraph (b)(2) of this section; and
 - (2) Close the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart.

§ 154.840 Personnel training.

- (a) A person in charge of a transfer operation utilizing a vapor control system must have completed a training program covering the particular system installed at the facility. Training must include drills or demonstrations using the installed vapor control system covering normal operations and emergency procedures.
- (b) The training program required by paragraph (a) of this section must cover the following subjects:
 - (1) Purpose of a vapor control system;
 - (2) Principles of the vapor control system;
 - (3) Components of the vapor control system;
 - (4) Hazards associated with the vapor control system;
 - (5) Coast Guard regulations in this subpart;
 - (6) Operating procedures, including:
 - (i) Testing and inspection requirements,
 - (ii) Pre-transfer procedures,
 - (iii) Connection sequence,
 - (iv) Start-up procedures, and
 - (v) Normal operations; and
 - (7) Emergency procedures.

§ 154.850 Operational requirements.

- (a) A facility must receive vapors only from a vessel which has its certifi-

cate of inspection or certificate of compliance endorsed in accordance with 46 CFR 39.10-13(e).

(b) The following must be performed not more than 24 hours prior to each transfer operation:

- (1) All alarms and automatic shut-down systems required by this part must be tested; and
- (2) The analyzers required by § 154.820(a), § 154.824 (d) and (e) of this subpart must be checked for calibration by use of a span gas.
- (c) The position of all valves in the vapor line between the vessel's tanks and the facility vapor collection system must be verified prior to the start of the transfer operation.
- (d) A tank barge overflow control system that meets the requirements of 46 CFR 39.20-9(b) must not be connected to an overflow sensor circuit that exceeds the system's rated cable length, inductance, and capacitance.
- (e) When vapor is being received from a vessel with inerted cargo tanks, the remotely operated cargo vapor shutoff valve required by § 154.810(a) of this subpart must not be opened until the pressure at the facility vapor connection exceeds the pressure on the downstream side of the remotely operated cargo vapor shutoff valve.
- (f) The initial cargo transfer rate must not exceed the rate agreed upon at the pre-transfer conference required by § 156.120(w) of this chapter and 46 CFR 39.30-1(h).
- (g) The cargo transfer rate must not exceed the maximum allowable transfer rate as determined by the lesser of the following:
 - (1) A transfer rate corresponding to the maximum vapor processing rate for the vapor control system, as specified in the facility operations manual required by § 154.300 of this chapter, or
 - (2) The vessel's maximum transfer rate determined in accordance with 46 CFR 39.30-1(d).
- (h) While transferring cargo to a vessel connected to a vapor control system, compressed air or gas may be used to clear cargo hoses and loading arms, but must not be used to clear cargo lines.
- (i) If one of the two analyzers required by § 154.824(d) of this subpart

becomes inoperable during a transfer operation, the operation may continue provided the remaining analyzer remains operational; however, no further transfer operations may be started until the inoperable analyzer is replaced or repaired.

(j) Whenever a condition results in a shutdown of the vapor control system, the person in charge shall immediately terminate cargo loading.

(k) If it is suspected that a flare in the vapor control system has had a flare-back, or if a flame is detected on the flame arrester required by § 154.828(c)(2) of this subpart, the transfer operation must be stopped and not be restarted until the flame arrester has been inspected and found to be in satisfactory condition.

APPENDIX A TO PART 154—GUIDELINES FOR DETONATION FLAME ARRESTERS

This appendix contains the draft ASTM standard for detonation flame arresters. Devices meeting this standard will be accepted by the Commandant (G-MTH).

1. Scope

1.1 This standard provides the minimum requirements for design, construction, performance and testing of detonation flame arresters.

2. Intent

2.1 This standard is intended for detonation flame arresters protecting systems containing vapors of flammable or combustible liquids where vapor temperatures do not exceed 60 °C. For all tests, the test media defined in 14.1.1 can be used except where detonation flame arresters protect systems handling vapors with a maximum experimental safe gap (MESG) below 0.9 millimeters. Detonation flame arresters protecting such systems must be tested with appropriate media (the same vapor or a media having a MESG no greater than the vapor). Various gases and their respective MESG are listed in attachment 1.

2.2 The tests in this standard are intended to qualify detonation flame arresters for all in-line applications independent of piping configuration provided the operating pressure is equal to or less than the maximum operating pressure limit specified in the manufacturer's certification and the diameter of the piping system in which the detonation arrester is to be installed is equal to or less than the piping diameter used in the testing.

NOTE: Detonation flame arresters meeting this standard as Type I devices, which are certified to be effective below 0 °C and

which can sustain three stable detonations without being damaged or permanently deformed, also comply with the minimum requirements of the International Maritime Organization, Maritime Safety Committee Circular No. 373 (MSC/Circ. 373/Rev.1).

3. Applicable Documents

3.1 ASTM Standards (1)

A395 Ferritic Ductile Iron Pressure-Retaining Castings For Use At Elevated Temperatures.

F722 Welded Joints for Shipboard Piping Systems

F1155 Standard Practice for Selection and Application of Piping System Materials

3.2 ANSI Standards (2)

B16.5 Pipe Flanges and Flanged Fittings.

3.3 Other Documents

3.3.1 ASME Boiler and Pressure Vessel Code (2)

Section VIII, Division 1, Pressure Vessels

Section IX, Welding and Brazing Qualifications.

3.3.2 International Maritime Organization, Maritime Safety Committee (3)

MSC/Circ. 373/Rev. 1—Revised Standards for the Design, Testing and Locating of Devices to Prevent the Passage of Flame into Cargo Tanks in Tankers.

3.3.3 International Electrotechnical Commission (4)

Publication 79-1—Electrical Apparatus for Explosive Gas Atmospheres.

4. Terminology

4.1 $\Delta P/P_0$ —The dimensionless ratio, for any deflagration and detonation test of 14.3, of the maximum pressure increase (the maximum pressure minus the initial pressure), as measured in the piping system on the side of the arrester where ignition begins by the device described in paragraph 14.3.3, to the initial absolute pressure in the piping system. The initial pressure should be greater than or equal to the maximum operating pressure specified in paragraph 11.1.7.

4.2 Deflagration—A combustion wave that propagates subsonically (as measured at the pressure and temperature of the flame front) by the transfer of heat and active chemical species to the unburned gas ahead of the flame front.

4.3 Detonation—A reaction in a combustion wave propagating at sonic or supersonic (as measured at the pressure and temperature of the flame front) velocity. A detonation is stable when it has a velocity equal to the speed of sound in the burnt gas or may

¹ Footnotes appear at the end of this article.

be unstable (overdriven) with a higher velocity and pressure.

4.4 Detonation flame arrester—A device which prevents the transmission of a detonation and a deflagration.

4.5 Flame speed—The speed at which a flame propagates along a pipe or other system.

4.6 Flame Passage—The transmission of a flame through a device.

4.7 Gasoline Vapors—A non-leaded petroleum distillate consisting essentially of aliphatic hydrocarbon compounds with a boiling range approximating 65 °C/75 °C.

5. Classification

5.1 The two types of detonation flame arresters covered in this specification are classified as follows:

5.1.1 Type I—Detonation flame arresters acceptable for applications where stationary flames may rest on the device.

5.1.2 Type II—Detonation flame arresters acceptable for applications where stationary flames are unlikely to rest on the device, and further methods are provided to prevent flame passage when a stationary flame occurs. One example of "further methods" is a temperature monitor and an automatic shutoff valve.

6. Ordering Information

6.1 Orders for detonation flame arresters under this specification shall include the following information as applicable:

6.1.1 Type (I or II).

6.1.2 Nominal pipe size.

6.1.3 Each gas or vapor in the system and the corresponding MESH.

6.1.4 Inspection and tests other than specified by this standard.

6.1.5 Anticipated ambient air temperature range.

6.1.6 Purchaser's inspection requirements (see section 10.1).

6.1.7 Description of installation.

6.1.8 Materials of construction (see section 7).

6.1.9 Maximum flow rate and the maximum design pressure drop for that maximum flow rate.

6.1.10 Maximum operating pressure.

7. Materials

7.1 The detonation flame arrester housing, and other parts or bolting used for pressure retention, shall be constructed of materials listed in ASTM F1155, or section VIII, Division 1 of the ASME Boiler and Pressure Vessel Code. Cast and malleable iron shall not be used; however, ductile cast iron in accordance with ASTM A395 may be used.

7.1.1 Arresters, elements, gaskets, and seals must be made of materials resistant to attack by seawater and the liquids and vapors contained in the system being protected (see section 6.1.3).

7.2 Nonmetallic materials, other than gaskets and seals, shall not be used in the

construction of pressure retaining components of the detonation flame arrester.

7.2.1 Nonmetallic gaskets and seals shall be non-combustible and suitable for the service intended.

7.3 Bolting materials, other than that of section 7.1, shall be at least equal to those listed in Table 1 of ANSI B16.5.

7.4 The possibility of galvanic corrosion shall be considered in the selection of materials.

7.5 All other parts shall be constructed of materials suitable for the service intended.

8. Other Requirements

8.1 Detonation flame arrester housings shall be gas tight to prevent the escape of vapors.

8.2 Detonation flame arrester elements shall fit in the housing in a manner that will insure tightness of metal-to-metal contacts in such a way that flame cannot pass between the element and the housing.

8.2.1 The net free area through detonation flame arrester elements shall be at least 1.5 times the cross-sectional area of the arrester inlet.

8.3 Housings, elements, and seal gasket materials shall be capable of withstanding the maximum and minimum pressures and temperatures to which the device may be exposed under both normal and the specified fire test conditions in section 14, and shall be capable of withstanding the hydrostatic pressure test of section 9.2.3.

8.4 Threaded or flanged pipe connections shall comply with the applicable B16 standards in ASTM F1155. Welded joints shall comply with ASTM F722.

8.5 All flat joints of the housing shall be machined true and shall provide for a joint having adequate metal-to-metal contact.

8.6 Where welded construction is used for pressure retaining components, welded joint design details, welding and non-destructive testing shall be in accordance with Section VIII, Division 1, of the ASME Code and ASTM F722. Welders and weld procedures shall be qualified in accordance with section IX of the ASME Code.

8.7 The design of detonation flame arresters shall allow for ease of inspection and removal of internal elements for replacement, cleaning or repair without removal of the entire device from the system.

8.8 Detonation flame arresters shall allow for efficient drainage of condensate without impairing their efficiency to prevent the passage of flame. The housing may be fitted with one or more drain plugs for this purpose. The design of a drain plug should be such so that by cursory visual inspection it is obvious whether the drain has been left open.

8.9 All fastenings shall be protected against loosening.

8.10 Detonation flame arresters shall be designed and constructed to minimize the effect of fouling under normal operating conditions.

8.11 Detonation flame arresters shall be capable of operating over the full range of ambient air temperatures anticipated.

8.12 Detonation flame arresters shall be of first class workmanship and free from imperfections which may affect their intended purpose.

8.13 Detonation flame arresters shall be tested in accordance with section 9.

9. Tests

9.1 Tests shall be conducted by an independent laboratory capable of performing the tests. The manufacturer, in choosing a laboratory, accepts that it is a qualified independent laboratory by determining that it has (or has access to) the apparatus, facilities, personnel, and calibrated instruments that are necessary to test detonation flame arresters in accordance with this standard.

9.1.1 A test report shall be prepared by the laboratory which shall include:

9.1.1.1 Detailed drawings of the detonation flame arrester and its components (including a parts list identifying the materials of construction).

9.1.1.2 Types of tests conducted and results obtained. This shall include the maximum temperature reached and the length of testing time in section 14.2 in the case of Type II detonation flame arresters.

9.1.1.3 Description of approved attachments (reference 9.2.6).

9.1.1.4 Types of gases or vapors for which the detonation flame arrester is approved.

9.1.1.5 Drawings of the test rig.

9.1.1.6 Record of all markings found on the tested detonation flame arrester.

9.1.1.7 A report number.

9.2 One of each model Type I and Type II detonation flame arrester shall be tested. Where approval of more than one size of a detonation flame arrester model is desired, only the largest and smallest sizes need be tested provided it is demonstrated by calculation and/or other testing that intermediate size devices have equal or greater strength to withstand the force of a detonation and have equivalent detonation arresting characteristics. A change of design, material, or construction which may affect the corrosion resistance, or ability to resist endurance burning, deflagrations or detonations shall be considered a change of model for the purpose of this paragraph.

9.2.1 The detonation flame arrester shall have the same dimensions, configuration, and most unfavorable clearances expected in production units.

9.2.2 A corrosion test shall be conducted. In this test, a complete detonation flame arrester, including a section of pipe similar to that to which it will be fitted, shall be exposed to a 20% sodium chloride solution

spray at a temperature of 25 °C for a period of 240 hours, and allowed to dry for 48 hours. Following this exposure, all movable parts shall operate properly and there shall be no corrosion deposits which cannot be washed off.

9.2.3 The detonation flame arrester shall be subjected to a hydrostatic pressure test of at least 350 psig for ten minutes without rupturing, leaking, or showing permanent distortion.

9.2.4 Flow characteristics as declared by the manufacturer, shall be demonstrated by appropriate tests.

9.2.5 Detonation flame arresters shall be tested for endurance burn and deflagration/detonation in accordance with the test procedures in section 14. Type I detonation flame arresters shall show no flame passage when subjected to both tests. Type II detonation flame arresters shall show no evidence of flame passage during the detonation/deflagration tests in section 14.3. Type II detonation flame arresters shall be tested for endurance burn in accordance with section 14.2. From the endurance burn test of a Type II detonation flame arresters, the maximum temperature reached and the test duration shall be recorded and provided as part of the laboratory test report.

9.2.6 Where a detonation flame arrester is provided with cowls, weather hoods and deflectors, etc., it shall be tested in each configuration in which it is provided.

9.2.7 Detonation flame arresters which are provided with a heating arrangement designed to maintain the surface temperature of the device above 85°C shall pass the required tests at the maximum heated operating temperature.

9.2.8 Each finished detonation arrester shall be pneumatically tested at 10 psig to ensure there are no defects or leakage.

10. Inspection

10.1 The manufacturer shall afford the purchaser's inspector all reasonable access necessary to assure that the device is being furnished in accordance with this standard. All examinations and inspections shall be made at the place of manufacture, unless otherwise agreed upon.

10.2 Each finished detonation arrester shall be visually and dimensionally checked to ensure that the device corresponds to this standard, is certified in accordance with section 11 and is marked in accordance with section 12. Special attention shall be given to the checking of welds and the proper fit-ups of joints (see sections 8.5 and 8.6).

11. Certification

11.1 Manufacturer's certification that a detonation flame arrester meets this standard shall be provided in an instruction manual. The manual shall include as applicable:

11.1.1 Installation instructions and a description of all configurations tested (reference paragraph 9.2.6). Installation instructions to include the device's limitations.

11.1.2 Operating instructions.

11.1.3 Maintenance requirements.

11.1.3.1 Instructions on how to determine when arrester cleaning is required and the method of cleaning.

11.1.4 Copy of test report (see section 9.1.1).

11.1.5 Flow test data, maximum temperature and time tested (Type II).

11.1.6 The ambient air temperature range over which the device will effectively prevent the passage of flame.

(NOTE: Other factors such as condensation and freezing of vapors should be evaluated at the time of equipment specification.)

11.1.7 The maximum operating pressure for which the device is suitable.

12. Marking

12.1 Each detonation flame arrester shall be permanently marked indicating:

12.1.1 Manufacturer's name or trademark.

12.1.2 Style, type, model or other manufacturer's designation for the detonation flame arrester.

12.1.3 Size of the inlet and outlet.

12.1.4 Type of device (Type I or II).

12.1.5 Direction of flow through the detonation flame arrester.

12.1.6 Test laboratory and report number.

12.1.7 Lowest MESH of gases that the detonation flame arrester is suitable for.

12.1.8 ASTM designation of this standard.

12.1.9 Ambient air operating temperature range.

12.1.10 Maximum operating pressure.

13. Quality Assurance

13.1 Detonation flame arresters shall be designed, manufactured and tested in a manner that ensures they meet the characteristics of the unit tested in accordance with this standard.

13.2 The detonation flame arrester manufacturer shall maintain the quality of the arresters that are designed, tested and marked in accordance with this standard. At no time shall a detonation flame arrester be sold with this standard designation that does not meet the requirements herein.

14. Test Procedures for Detonation Arresters

14.1 Media/Air Mixtures

14.1.1 For vapors from flammable or combustible liquids with a MESH greater than or equal to 0.9 mm, technical grade hexane or gasoline vapors shall be used for all tests in this section except technical grade propane may be used for the deflagration/detonation tests in section 14.3. For vapors with a MESH less than 0.9 mm, the

specific vapor (or alternatively, a media with a MESH less than or equal to the MESH of the vapor) must be used as the test medium in all Section 14 tests.

14.1.2 Hexane, propane, gasoline and other test vapors shall be mixed with air to form the most easily ignitable mixture. (5)

14.2 Endurance Burn Test Procedure

14.2.1 An endurance burning test shall be carried out as follows:

14.2.1.1 The test rig shall consist of an apparatus producing an explosive mixture, a small tank with a diaphragm, a prototype of the detonation flame arrester and a firing source in close proximity to the test device (see Figure 1). The detonation flame arrester shall be installed so that the mixture emission is vertically upwards, or installed in the position for which it is designed and which will cause the most severe heating of the device under the prescribed endurance burn conditions. In this position the mixture shall be ignited.

14.2.1.2 Endurance burn test shall start by using the most easily ignitable test vapor/air mixture with the aid of a pilot flame or a spark igniter at the outlet. The flammable mixture may be reignited as necessary in the course of the endurance burn.

14.2.1.3 Temperature measurement will be performed on the surface of the arrester element half way between the center and its edge.

14.2.1.4 By varying the proportions of the flammable mixture and the flow rate, the detonation flame arrester shall be heated by a stable flame on the surface of the arrester until the highest obtainable temperature is reached on the ignited side or until the temperature on the side which was not ignited (protected side) rises 100 °C.

14.2.1.5 The flammable mixture proportions will then be varied again until the conditions which result in the highest temperature on the protected side are achieved. This temperature shall be maintained for a period of ten minutes, after which the flow shall be stopped and the conditions observed. The highest attainable temperature is considered to have been reached when any subsequent rise of temperature does not exceed 0.5 °C per minute over a ten minute period.

14.2.1.6 If difficulty arises in establishing the highest attainable temperature on the protected side, the following criteria shall apply. When the increase in temperature on the protected side occurs so slowly that its temperature does not rise 100 °C, the conditions which produced the highest temperature on the ignited side of the arrester will be maintained for two hours. For the condition in which the temperature on the protected side continues to rise at a rate in excess of 0.5 °C per minute for a 10 minute period, endurance burning shall be contin-

used, using the most severe conditions of flammable mixtures and flow rate, for a period of two hours. In either of these cases, at the end of the two hour period, the flow shall be stopped and the conditions observed. The two hour interval shall be measured commencing with the setting of the conditions which produced the most severe conditions of mixture and flow rate. For Type I detonation flame arresters, flame passage shall not occur during this test. For Type II detonation flame arresters, the maximum temperature obtained, and the time elapsed from the time when the most severe conditions are set to when flame passage occurs, shall be recorded. However, for Type II detonation flame arresters the test may be terminated 15 minutes after setting the most severe conditions on the protected side.

14.3 Deflagration/Detonation Test Procedure

14.3.1 A detonation flame arrester shall be installed at one end of a pipe of the same diameter as the inlet of the detonation flame arrester (see Figure 2). The length and configuration of the test pipe shall develop a stable detonation (6) at the device and shall be capable, by change in its length or configuration, of developing deflagrations and unstable (overdriven) detonations as measured on the side of the pipe where ignition occurs (run-up side). For deflagration testing, two test piping arrangements shall be used on the outlet side of the detonation flame arrester (the side which is not ignited). In both of the following end arrangements, the outlet side pipe diameter shall be equal to that on the run-up side. In the arrangement, the outlet side pipe shall be at least 10 pipe diameters long with a plastic bag over the free end. (Alternate end of pipe closures are also acceptable provided they easily give way during the course of the test, and the closure allows the required gas concentration to be maintained throughout the test piping arrangement.) In the other arrangement the outlet side pipe shall be fitted with a restriction located 0.6 meters from the outlet side arrester flange. The size of the restriction for each nominal size detonation flame arrester shall be as follows:

Nominal pipe diameter (inches)	Restriction diameter (inches)
3	1/4
4	1/4
6	1
8	1 1/4
10	1 1/4
12	2
18	2
24	2

The entire pipe shall be filled with the most easily ignitable vapor/air mixture to a test pressure corresponding to or greater than the upper limit of the device's maximum operating pressure (see 11.1.7). In order to obtain this test pressure, a device such as a bursting disc may be fitted on the open end of the device in place of the plastic bag. The concentration of the mixture should be verified by appropriate testing of the gas composition. The vapor/air mixture shall then be ignited.

14.3.2 Flame speeds shall be measured by optical devices capable of providing accuracy of $\pm 5\%$. These devices shall be situated no more than a distance equal to 3% of the length of the run-up pipe apart with one device no more than 8 inches from the end of the test pipe to which the detonation flame arrester is attached. In addition, each outlet arrangement described in paragraph 14.3.1 shall be fitted with an optical device located no more than 8 inches from the detonation flame arrester outlet. (7)

14.3.3 Explosion pressures within the pipe shall be measured by a high frequency transducer situated in the test pipe no more than 8 inches from the run-up side of the housing of the detonation flame arrester.

14.3.4 Using the first end arrangement (10 pipe diameter outlet) described in paragraph 14.3.1, a series of tests shall be conducted to determine the test pipe length and configuration that results in the maximum unstable (overdriven) detonation having the maximum measured flame speed at the detonation flame arrester. (These tests may also be carried out using a single length of pipe with igniters spaced at varying distances from the arrester.) The flame speeds, explosion pressures and test pipe configurations shall be recorded for each of these tests. The piping configuration that resulted in the highest recorded unstable (overdriven) detonation flame speed shall be used, and the device shall be subjected to at least four additional unstable (overdriven) detonations. In the course of testing, the device shall also demonstrate its ability to withstand five stable detonations, five deflagrations (as determined by flame speed) where $\Delta P/P_0$ was less than 1 and five deflagrations (as determined by flame speed) where $\Delta P/P_0$ was greater than 1 but less than 10. Initiation of deflagrations shall be at several locations to generate a range for $\Delta P/P_0$. Deflagration tests using the restricted outlet arrangement described in paragraph 14.3.1 shall then be conducted. In these tests the device shall demonstrate its ability to stop five deflagrations (as determined by flame speed) generated by the same configurations which resulted in $\Delta P/P_0$ being less than 1 during the deflagration tests which were conducted without the restricted end arrangements, and five defla-

grations (as determined by flame speed) generated by the same configurations which resulted in $\Delta P/P$, being greater than 1 but less than 10 during the deflagration tests which were conducted without the restricted end arrangements. No evidence of flame passage shall occur during these tests. The flame speeds and explosion pressures for each of these tests shall be recorded.

14.3.5 A device that successfully passes the tests of 14.3.4 shall be considered to be directional (suitable for arresting a detonation advancing only from the direction as tested) except:

14.3.5.1 A device may be tested according to 14.3.4 for detonations approaching from either direction, or

14.3.5.2 The design of the device is symmetrical where each end may be considered to be identical when approached by a detonation from either direction.

(1) Available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.

(2) Available from the American Society of Mechanical Engineers, 345 E. 47th St., New York, NY 10017.

(3) Available from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR, England.

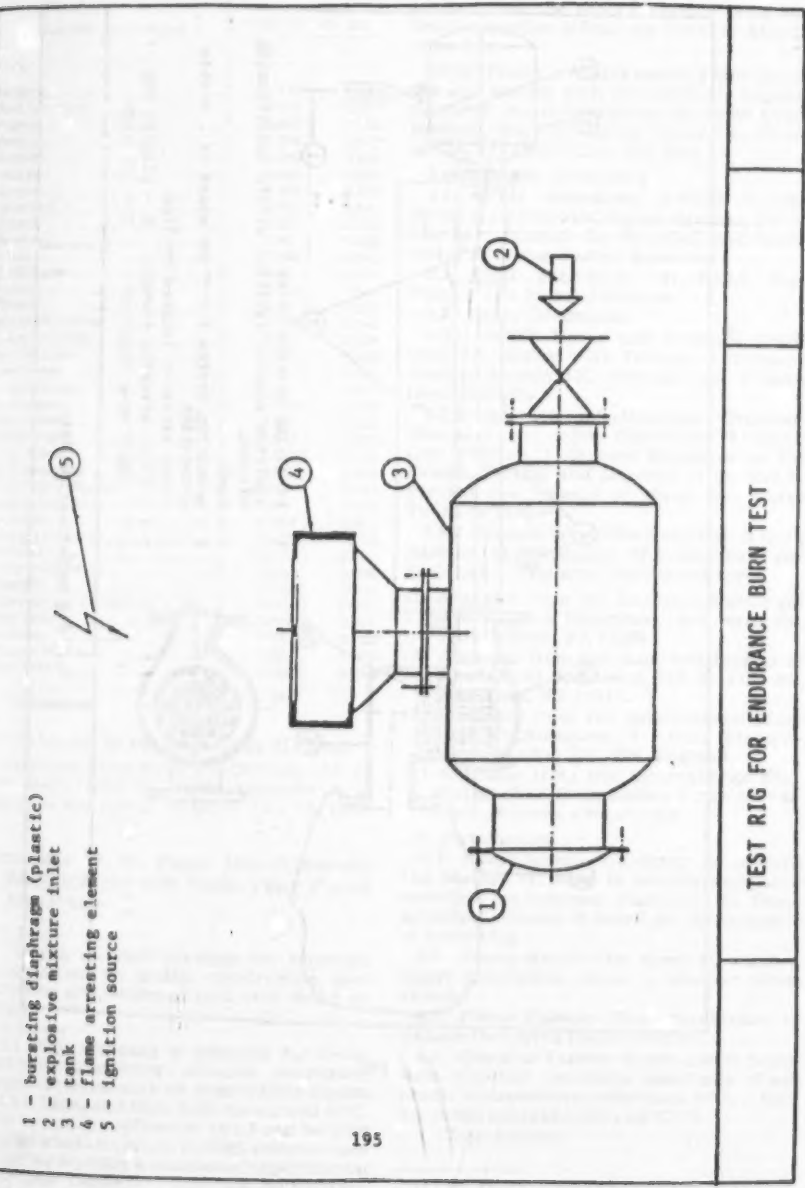
(4) Available from the International Electrotechnical Commission, 1 rue de Varembé, Geneva, Switzerland.

(5) See IEC Publication 79-1.

(6) Some data are available for the estimation of flame speeds in horizontal pipe without detonation flame arresters. Some data indicate that the presence of small obstacles, fittings or bends in the test pipe can accelerate the flame speeds appreciably.

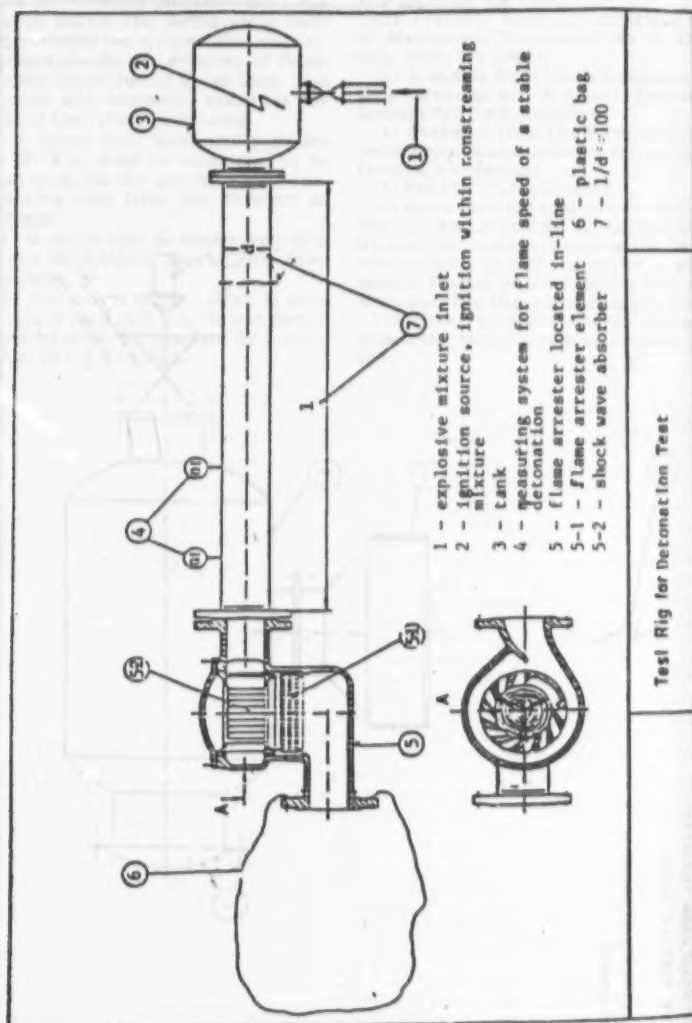
(7) Other pressure and/or flame speed measuring techniques may be used if effective.

FIGURE 1



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Figure 2



ATTACHMENT 1

Inflammable gas or vapour	Experimental maximum safe gap	
	mm	in.
Methane	1.170	0.046
Best furnace gas	1.193	0.047
Propane	0.965	0.038
Butane	1.066	0.042
Pentane	1.016	0.040
Hexane	0.965	0.038
Heptane	0.965	0.038
Is-octane	1.040	0.041
Decane	1.016	0.040
Benzene	0.99	0.039
Xylene	1.066	0.042
Cyclohexane	0.94	0.037
Acetone	1.016	0.040
Ethylene	0.71	0.028
Methyl-ethyl-ketone	1.016	0.040
Carbon monoxide	0.915	0.036
Methyl-acetate	0.990	0.039
Ethyl-acetate	1.04	0.041
Propyl-acetate	1.04	0.041
Butyl-acetate	1.016	0.040
Amyl-acetate	0.99	0.039
Methyl alcohol	0.915	0.036
Ethyl alcohol	1.016	0.040
Isobutyl-alcohol	0.965	0.038
Butyl-alcohol (Normal)	0.94	0.037
Amyl-alcohol	0.99	0.039
Ethyl-ether	0.864	0.034
Coal gas (H ₂ 57%)	0.462	0.019
Acetylene	<0.025	<0.001
Carbon disulphide	0.203	0.008
Hydrogen	0.102	0.004
Blue water gas (H ₂ 53% CO 47%)	0.203	0.008
Ethyl nitrate	<0.025	<0.001
Ammonia	1.33	0.133
Ethylene oxide	0.65	0.026
Ethyl nitrite	0.922	0.036

¹ Approximately.

[CGD 88-102, 55 FR 25435, June 21, 1990]

EFFECTIVE DATE NOTE: By CGD 88-102, 55 FR 25435, June 21, 1990, Appendix A to Part 154 was added, effective July 23, 1990.

APPENDIX B TO PART 154—STANDARD SPECIFICATION FOR TANK VENT FLAME ARRESTERS

1. Scope

1.1 This standard provides the minimum requirements for design, construction, performance and testing of tank vent flame arresters.

2. Intent

2.1 This standard is intended for flame arresters protecting systems containing vapors of flammable or combustible liquids with a flashpoint that does not exceed 60°C. The test media defined in 14.1.1 can be used except where arresters protect systems handling vapors with a maximum experimental safe gap (MESG) below 0.9 millimeters. Flame arresters protecting such systems

must be tested with appropriate media (the same vapor or a media having a MESG no greater than the vapor). Various gases and their respective MESG are listed in Attachment 1.

NOTE: Flame arresters meeting this standard also comply with the minimum requirements of the International Maritime Organization, Maritime Safety Committee Circular No. 373 (MSC/Circ. 373/Rev. 1).

3. Applicable Documents

3.1 ASTM Standards (1) F722 Welded Joints for Shipboard Piping Systems; F1155 Standard Practice for Selection and Application of Piping System Materials

3.2 ANSI Standards (2) B16.5 Pipe Flanges and Flanged Fittings.

3.3 Other Documents

3.3.1 ASME Boiler and Pressure Vessel Code (2) section VIII, Division 1, Pressure Vessels; section IX, Welding and Brazing Qualifications.

3.3.2 International Maritime Organization, Maritime Safety Committee (3) MSC/Circ. 373/Rev. 1—Revised Standards for the Design, Testing and Locating of Devices to Prevent the Passage of Flame into Cargo Tanks in Tankers.

3.3.3 International Electrotechnical Commission (4) Publication 79.1—Electrical Apparatus for Explosive Gas Atmospheres.

(1) Available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103

(2) Available from the American Society of Mechanical Engineers, 345 E. 47th St., New York, NY 10017.

(3) Available from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR, England.

(4) Available from the International Electrotechnical Commission, 1 rue de Var-embe, Geneva, Switzerland

4. Terminology

4.1 Flame arrester—A device to prevent the passage of flame in accordance with a specified performance standard. Its flame arresting element is based on the principle of quenching.

4.2 Flame speed—The speed at which a flame propagates along a pipe or other system.

4.3 Flame Passage—The transmission of a flame through a flame arrester.

4.4 Gasoline Vapors—A non-leaded petroleum distillate consisting essentially of aliphatic hydrocarbon compounds with a boiling range approximating 65 °C/75 °C.

5. Classification

(1) Footnotes appear at the end of this article.

5.1 The two types of flame arresters covered in this specification are classified as follows:

5.1.1 Type I—Flame arresters acceptable for end-of-line applications.

5.1.2 Type II—Flame arresters acceptable for in-line applications.

6. *Ordering Information*

6.1 Orders for flame arresters under this specification shall include the following information as applicable:

6.1.1 Type (I or II).

6.1.2 Nominal pipe size.

6.1.3 Each gas or vapor in the tank being protected by the flame arrester, and the corresponding MESH.

6.1.4 Inspection and tests other than specified by this standard.

6.1.5 Anticipated ambient air temperature range.

6.1.6 Purchaser's inspection requirements (see section 10.1).

6.1.7 Description of installation (distance and configuration of pipe between the arrester, and the atmosphere or potential ignition source) (see section 9.2.4.2).

6.1.8 Materials of construction (see section 7).

6.1.9 Maximum flow rate and the design pressure drop for that maximum flow rate.

7. *Materials*

7.1 The flame arrester housing, and other parts or bolting used for pressure retention, shall be constructed of materials listed in ASTM F1155, or section VIII, Division 1 of the ASME Boiler and Pressure Vessel Code.

7.1.1 Arresters, elements, gaskets, and seals must be of materials resistant to attack by seawater and the liquids and vapors contained in the tank being protected (see section 6.1.3).

7.2 Nonmetallic materials, other than gaskets and seals, shall not be used in the construction of pressure retaining components of the flame arrester.

7.2.1 Nonmetallic gaskets and seals shall be non-combustible and suitable for the service intended.

7.3 Bolting materials, other than that of Section 7.1, shall be at least equal to those listed in Table 1 of ANSI B16.5.

7.4 The possibility of galvanic corrosion shall be considered in the selection of materials.

7.5 All other parts shall be constructed of materials suitable for the service intended.

8. *Other Requirements*

8.1 Flame arrester housings shall be gas tight to prevent the escape of vapors.

8.2 Flame arrester elements shall fit in the housing in a manner that will insure tightness of metal-to-metal contacts in such a way that flame cannot pass between the element and the housing.

8.2.1 The net free area through flame arrester elements shall be at least 1.5 times the cross-sectional area of the arrester inlet.

8.3 Housings and elements shall be of substantial construction and designed for the mechanical and other loads intended during service. In addition, they shall be capable of withstanding the maximum and minimum pressures and temperatures to which the device may be exposed under both normal and the specified fire test conditions in section 14.

8.4 Threaded or flanged pipe connections shall comply with the applicable B16 standards in ASTM F1155. Welded joints shall comply with ASTM F722.

8.5 All flat joints of the housing shall be machined true and shall provide for a joint having adequate metal-to-metal contact.

8.6 Where welded construction is used for pressure retaining components, welded joint design details, welding and non-destructive testing shall be in accordance with section VIII, Division 1, of the ASME Code and ASTM F722. Welders and weld procedures shall be qualified in accordance with section IX of the ASME Code.

8.7 The design of flame arresters shall allow for ease of inspection and removal of internal elements for replacement, cleaning or repair without removal of the entire device from the system.

8.8 Flame arresters shall allow for efficient drainage of condensate without impairing their efficiency to prevent the passage of flame.

8.9 All fastenings shall be protected against loosening.

8.10 Flame arresters shall be designed and constructed to minimize the effect of fouling under normal operating conditions.

8.11 Flame arresters shall be capable of operating over the full range of ambient air temperatures anticipated.

8.12 End-of-line flame arresters shall be so constructed as to direct the efflux vertically upward.

8.13 Flame arresters shall be of first class workmanship and free from imperfections which may affect their intended purpose.

8.14 Tank vent flame arresters shall show no flame passage when subjected to the tests in 9.2.4.

9. *Prototype Tests*

9.1 Tests shall be conducted by an independent laboratory capable of performing the tests. The manufacturer, in choosing a laboratory, accepts that it is a qualified independent laboratory by determining that it has (or has access to) the apparatus, facilities, personnel, and calibrated instruments that are necessary to test flame arresters in accordance with this standard.

9.1.1 A test report shall be prepared by the laboratory which shall include:

9.1.1.1 Detailed drawings of the flame arrester and its components (including a parts list identifying the materials of construction).

9.1.1.2 Types of tests conducted and results obtained.

9.1.1.3 Specific advice on approved attachments (see section 9.2.4.1).

9.1.1.4 Types of gases or vapors for which the flame arrester is approved (see section 6.1.3).

9.1.1.5 Drawings of the test rig.

9.1.1.6 Record of all markings found on the tested flame arrester.

9.1.1.7 A report number.

9.2 One of each model Type I and Type II flame arrester shall be tested. Where approval of more than one size of a flame arrester model is desired, the largest and smallest sizes shall be tested. A change of design, material, or construction which may affect the corrosion resistance, endurance burn, or flashback capabilities of the flame arrester shall be considered a change of model for the purpose of this paragraph.

9.2.1 The flame arrester shall have the same dimensions, configuration, and the most unfavorable clearances expected in production units.

9.2.2 A corrosion test shall be conducted. In this test, a complete arrester, including a section of pipe similar to that to which it will be fitted, shall be exposed to a 20% sodium chloride solution spray at a temperature of 25 degrees C for a period of 240 hours, and allowed to dry for 48 hours. Following this exposure, all movable parts shall operate properly and there shall be no corrosion deposits which cannot be washed off.

9.2.3 Performance characteristics as declared by the manufacturer, such as flow rates under both positive and negative pressure, operating sensitivity, flow resistance, and velocity, shall be demonstrated by appropriate tests.

9.2.4 Tank vent flame arresters shall be tested for endurance burn and flashback in accordance with the test procedures in section 14. The following constraints apply:

9.2.4.1 Where a Type I flame arrester is provided with cowls, weather hoods and deflectors, etc., it shall be tested in each configuration in which it is provided.

9.2.4.2 Type II arresters shall be specifically tested with the inclusion of all pipes, tees, bends, cowls, weather hoods, etc., which may be fitted between the arrester and the atmosphere.

9.2.5 Devices which are provided with a heating arrangement shall pass the required tests at the heated temperature.

9.2.6 After all tests are completed, the device shall be disassembled and examined, and no part of the device shall be damaged or show permanent deformation.

10. Inspection

10.1 The manufacturer shall afford the purchaser's inspector all reasonable facilities necessary to assure that the material is being furnished in accordance with this standard. All examinations and inspections shall be made at the place of manufacture, unless otherwise agreed upon.

10.2 Each finished flame arrester shall be visually and dimensionally checked to ensure that the device corresponds to this standard, is certified in accordance with section 11 and is marked in accordance with section 12. Special attention shall be given to checking the proper fit-up of joints (see sections 8.5 and 8.6)

11. Certification

11.1 Manufacturer's certification that a flame arrester has been constructed in accordance with this standard shall be provided in an instruction manual. The manual shall include as applicable:

11.1.1 Installation instructions and a description of all configurations tested (reference paragraph 9.2.4.1 and 9.2.4.2). Installation instructions to include manufacturer's recommended limitations based on all configurations tested.

11.1.2 Operating instructions.

11.1.3 Maintenance requirements.

11.1.3.1 Instructions on how to determine when flame arrester cleaning is required and the method of cleaning.

11.1.4 Copy of test report (see section 9.1.1).

11.1.5 Flow test data, including flow rates under both positive and negative pressures, operating sensitivity, flow resistance, and velocity.

11.1.6 The ambient air temperature range over which the device will effectively prevent the passage of flame. (NOTE: Other factors such as condensation and freezing of vapors should be evaluated at the time of equipment specification.)

12. Marking

12.1 Each flame arrester shall be permanently marked indicating:

12.1.1 Manufacturer's name or trademark.

12.1.2 Style, type, model or other manufacturer's designation for the flame arrester.

12.1.3 Size of the inlet and outlet.

12.1.4 Type of device (Type I or II).

12.1.5 Direction of flow through the flame arrester.

12.1.6 Test laboratory and report number.

12.1.7 Lowest MESG of gases for which the flame arrester is suitable for.

12.1.8 Ambient air operating temperature range.

12.1.9 ASTM designation of this standard.

13. Quality Assurance

13.1 Flame arresters shall be designed, manufactured and tested in a manner that ensures they meet the characteristics of the unit tested in accordance with this standard.

13.2 The flame arrester manufacturer shall maintain the quality of the flame arresters that are designed, tested and marked in accordance with this standard. At no time shall a flame arrester be sold with this standard designation that does not meet the requirements herein.

14. Test Procedures for Flame Arresters

14.1 Media/Air Mixtures

14.1.1 For vapors from flammable or combustible liquids with a MESH greater than or equal to 0.9 mm, technical grade hexane or gasoline vapors shall be used for all tests in this section except technical grade propane may be used for the flashback test in Section 14.2. For vapors with a MESH less than 0.9 mm, the specific vapor (or alternatively, a media with a MESH less than or equal to the MESH of the vapor) must be used as the test medium in all section 14 tests.

14.1.2 Hexane, propane, gasoline and chemical vapors shall be mixed with air to form the most easily ignitable mixture.(5)

14.2 Flashback Test

14.2.1 A flashback test shall be carried out as follows:

14.2.1.1 The test rig shall consist of an apparatus producing an explosive mixture, a small tank with a diaphragm, a prototype of the flame arrester, a plastic bag (6) and a firing source in three positions (see Figure 1).(7)

14.2.1.2 The tank, flame arrester assembly and the plastic bag enveloping the prototype flame arrester shall be filled so that this volume contains the most easily ignitable vapor/air mixture.(8) The concentration of the mixture should be verified by appropriate testing of the gas composition in the plastic bag. Three ignition sources shall be installed along the axis of the bag, one close to the flame arrester, another as far away as possible therefrom, and the third at the midpoint between these two. These three sources shall be fired in succession, one during each of the three tests. Flame passage shall not occur during this test.

14.2.1.3 If flame passage occurs, the tank diaphragm will burst and this will be audi-

ble and visible to the operator by the emission of a flame. Flame, heat and pressure sensors may be used as an alternative to a bursting diaphragm.

14.3 Endurance Burn Test

14.3.1 An endurance burning test shall be carried out as follows:

14.3.1.1 The test rig as referred to in 14.2 may be used, without the plastic bag. The flame arrester shall be so installed that the mixture emission is vertical. In this position the mixture shall be ignited.

14.3.1.2 Endurance burning shall be achieved by using the most easily ignitable test vapor/air mixture with the aid of a pilot flame or a spark igniter at the outlet. By varying the proportions of the flammable mixture and the flow rate, the arrester shall be heated until the highest obtainable temperature on the cargo tank side of the arrester is reached. The highest attainable temperature may be considered to have been reached when the rate of rise of temperature does not exceed 0.5°C per minute over a ten minute period. This temperature shall be maintained for a period of ten minutes, after which the flow shall be stopped and the conditions observed. If difficulty arises in establishing the highest attainable temperature, the following criteria shall apply. When the temperature appears to be approaching the maximum temperature, using the most severe conditions of flammable mixtures and flow rate, but increases at a rate in excess of 0.5°C per minute over a ten minute period, endurance burning shall be continued for a period of two hours after which the flow shall be stopped and the conditions observed. Flame passage shall not occur during this test.

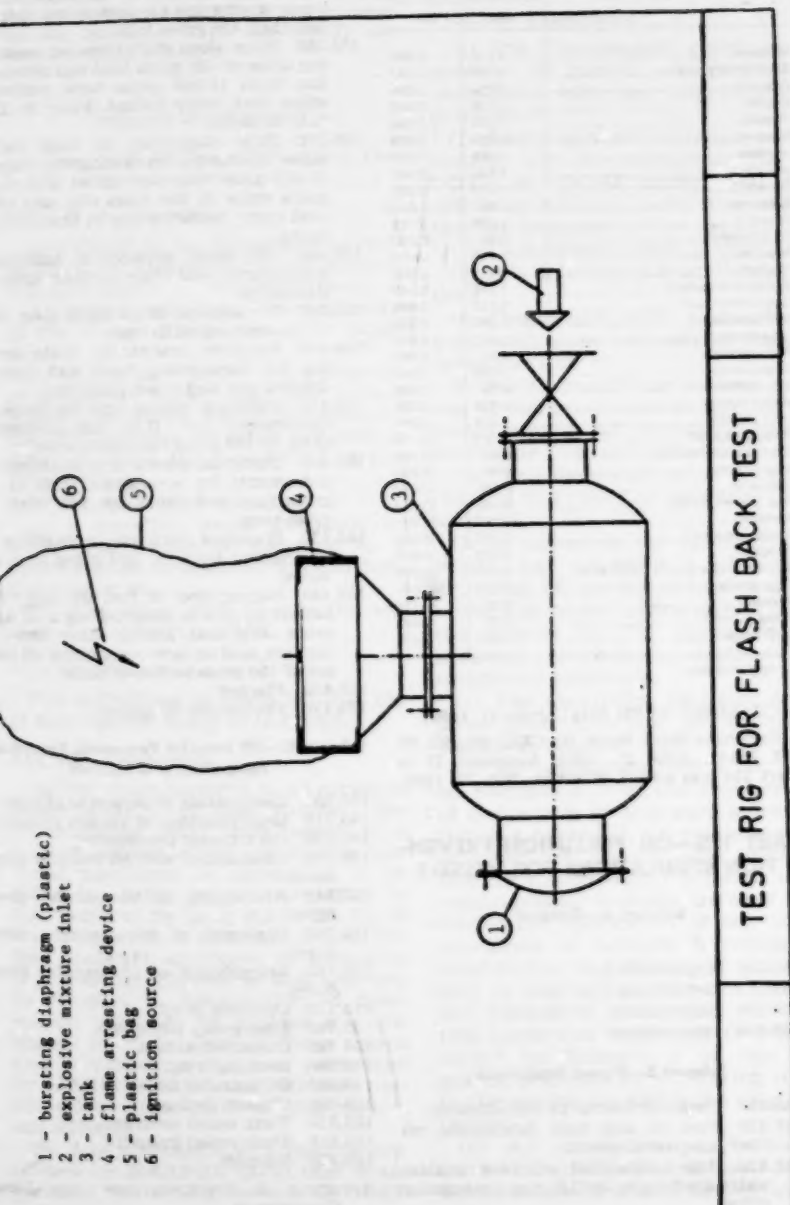
(5) See IEC Publication 79-1.

(6) The dimensions of the plastic bag are dependent on those of the flame arrester. The plastic bag may have a circumference of 2 m, a length of 2.5 m and a wall thickness of .05 m.

(7) In order to avoid remnants of the plastic bag from falling back on to the flame arrester being tested after ignition of the fuel/air mixture, it may be useful to mount a coarse wire frame across the flame arrester within the plastic bag. The frame should be constructed so as not to interfere with the test result.

(8) See IEC Publication 79-1.

FIGURE 1



Inflammable gas or vapor	Experimental maximum safe gap	
	mm	in.
Methane.....	1.170	0.046
Blast furnace gas.....	1.193	0.047
Propane.....	0.965	0.038
Butane.....	1.066	0.042
Pentane.....	1.016	0.040
Hexane.....	0.965	0.038
Heptane.....	0.965	0.038
Iso-octane.....	1.040	0.041
Decane.....	1.016	0.040
Benzene.....	0.99	0.039
Xylene.....	1.066	0.042
Cyclohexane.....	0.94	0.037
Acetone.....	1.016	0.040
Ethylene.....	0.71	0.028
Methyl-ethyl-ketone.....	1.016	0.040
Carbon monoxide.....	0.915	0.036
Methyl-acetate.....	0.990	0.039
Ethyl-acetate.....	1.04	0.041
Propyl-acetate.....	1.04	0.041
Butyl-acetate.....	1.016	0.040
Amyl-acetate.....	0.99	0.039
Methyl alcohol.....	0.915	0.036
Ethyl alcohol.....	1.016	0.040
Iso-butyl-alcohol.....	0.965	0.038
Butyl-alcohol (Normal).....	0.94	0.037
Amyl-alcohol.....	0.99	0.039
Ethyl-ether.....	0.864	0.034
Coal gas (H ₂ 57%).....	0.482	0.019
Acetylene.....	<0.025	<0.001
Carbon disulphide.....	0.203	0.008
Hydrogen.....	0.102	0.004
Blue water gas (H ₂ 53% CO 47%).....	0.203	0.008
Ethyl nitrate.....	<0.025	<0.001
Ammonia.....	13.33	0.133
Ethylene oxide.....	0.65	0.026
Ethyl nitrite.....	0.922	0.036

¹Approximately.

[CGD 88-102, 55 FR 25441, June 21, 1990]

EFFECTIVE DATE NOTE: By CGD 88-102, 55 FR 25441, June 21, 1990, Appendix B to Part 154 was added, effective July 23, 1990.

PART 155—OIL POLLUTION PREVENTION REGULATIONS FOR VESSELS

Subpart A—General

Sec.

- 155.100 Applicability.
- 155.110 Definitions.
- 155.120 Equivalents.
- 155.130 Exemptions.

Subpart B—Vessel Equipment

- 155.310 Cargo oil discharge containment.
- 155.320 Fuel oil and bulk lubricating oil discharge containment.
- 155.330 Bilge slops/fuel oil tank ballast water discharges on U.S. non-oceangoing ships.

Sec.

- 155.350 Bilge slops/fuel oil tank ballast water discharges on oceangoing ships of less than 400 gross tons.
- 155.360 Bilge slops discharges on oceangoing ships of 400 gross tons and above but less than 10,000 gross tons, excluding ships that carry ballast water in their fuel oil tanks.
- 155.370 Bilge slops/fuel oil tank ballast water discharges on oceangoing ships of 10,000 gross tons and above and oceangoing ships of 400 gross tons and above that carry ballast water in their fuel oil tanks.
- 155.380 Oily-water separating equipment, bilge alarm, and bilge monitor approval standards.
- 155.390 Oceangoing ships other than tank ships carrying oil in bulk.
- 155.400 Platform machinery space drainage on oceangoing fixed and floating drilling rigs and other platforms.
- 155.410 Pumping, piping and discharge requirements for U.S. non-oceangoing ships of 100 gross tons and above.
- 155.420 Pumping, piping and discharge requirements for oceangoing ships of 100 gross tons and above but less than 400 gross tons.
- 155.430 Standard discharge connections for oceangoing ships of 400 gross tons and above.
- 155.440 Segregation of fuel oil and water ballast on new oceangoing ships of 4,000 gross tons and above, other than oil tankers, and on new oceangoing oil tankers of 150 gross tons and above.
- 155.450 Placard.
- 155.470 Prohibited oil spaces.

Subpart C—Oil Transfer Personnel, Procedures, Equipment, and Records

- 155.700 Designation of person in charge.
- 155.710 Qualifications of person in charge.
- 155.720 Oil transfer procedures.
- 155.730 Compliance with oil transfer procedures.
- 155.740 Availability of oil transfer procedures.
- 155.750 Contents of oil transfer procedures.
- 155.760 Amendment of oil transfer procedures.
- 155.770 Draining of oil.
- 155.780 Emergency shutdown.
- 155.785 Communications.
- 155.790 Deck lighting.
- 155.800 Oil transfer hose.
- 155.805 Closure devices.
- 155.810 Tank vessel security.
- 155.815 Tank vessel integrity.
- 155.820 Records.

APPENDIX A—SPECIFICATIONS FOR SHORE CONNECTION

AUTHORITY: 33 U.S.C. 1231, 1321(j)(1)(C); sec. 2, E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.46. Sections 155.100 through 155.130, 155.350 through 155.400, 155.430, 155.440, and 155.470 also issued under 33 U.S.C. 1903(b).

Subpart A—General

SOURCE CGD 75-124a, 48 FR 45714, Oct. 6, 1983, unless otherwise noted.

§ 155.100 Applicability.

(a) Subject to the exceptions provided for in paragraph (b) of this section, this part applies to each ship that:

(1) Is operated under the authority of the United States, wherever located; or

(2) Is operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

(b) This part does not apply to:

(1) A warship, naval auxiliary, or other ship owned or operated by a country when engaged in non-commercial service; or

(2) Any other ship specifically excluded by MARPOL 73/78.

§ 155.110 Definitions.

The definitions in Parts 151 and 154 of this chapter apply to this part.

§ 155.120 Equivalents.

(a) For ships required to be surveyed under § 151.17 of this chapter, the Commandant may, upon receipt of a written request, allow any fitting, material, appliance or apparatus to be fitted in a ship as an alternative to that required by both MARPOL 73/78 and Subpart B of this part if such fitting, material, appliance, or apparatus is at least as effective as that required by Subpart B. Substitution of operational methods to control the discharge of oil in place of those design and construction features prescribed by MARPOL 73/78 that are also prescribed by Subpart B of this part is not allowed.

(b) Any equivalent to a feature prescribed by MARPOL 73/78 that is authorized for a ship having an IOPP

Certificate is noted on that Certificate.

§ 155.130 Exemptions.

(a) The Commandant grants an exemption or partial exemption from compliance with any requirement in this part if:

(1) A ship operator submits a written request for an exemption via the COTP or OCMI thirty (30) days before operations under the exemption are proposed unless the COTP or OCMI authorizes a shorter time; and

(2) It is determined from the request that:

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution by oil; and

(iii) The likelihood of oil being discharged as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and the reasons for the exemption and proposed procedures, methods, or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An oceangoing ship is not given an exemption from the requirements of Subpart B of this part unless the ship is a hydrofoil, air cushion vehicle or other new type of ship (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of Subpart B relating to construction and equipment unreasonable or impractical. The construction and equipment of the ship must provide protection equivalent to that afforded by Subpart B of this part against pollution by oil, having regard to the service for which the ship is intended.

(e) An exemption is granted or denied in writing. The decision of the Commandant is a final agency action.

Subpart B—Vessel Equipment

SOURCE: CGD 75-124a, 48 FR 45715, Oct. 6, 1983, unless otherwise noted.

§ 155.310 Cargo oil discharge containment.

(a) An oil tanker with a capacity of 250 or more barrels that is carrying oil cargo must have:

(1) Under or around each oil loading manifold and each oil transfer connection point, a fixed container or enclosed deck area that, in all conditions of ship list or trim encountered during the loading operation, has a capacity of at least:

(i) One half barrel if it serves one or more hoses with an inside diameter of 2 inches or less, or one or more loading arms with a nominal pipe size diameter of 2 inches or less;

(ii) One barrel if it serves one or more hoses with an inside diameter of more than 2 inches but less than 4 inches, or one or more loading arms with a nominal pipe size diameter of more than 2 inches but less than 4 inches;

(iii) Two barrels if it serves one or more hoses with an inside diameter of 4 inches or more, but less than 6 inches, or one or more loading arms with a nominal pipe size diameter of 4 inches or more, but less than 6 inches;

(iv) Three barrels if it serves one or more hoses with an inside diameter of 6 inches or more, but less than 12 inches, or one or more loading arms with a nominal pipe size diameter of 6 inches or more, but less than 12 inches; or

(v) Four barrels if it serves one or more hoses with an inside diameter of 12 inches or more, or one or more loading arms with a nominal pipe size diameter of 12 inches or more;

(2) Means of draining or removing discharged oil from each container or enclosed deck area without discharging the oil into the water; and

(3) A mechanical means of closing each drain and scupper in the container or enclosed deck area required by this section.

(b) A tank barge with a capacity of 250 or more barrels that is carrying oil cargo must meet paragraph (a) of this section or be equipped with:

(1) A coaming, at least 4 inches high but not more than 8 inches high, enclosing the immediate area of the cargo hatches, oil loading manifolds, and transfer connections, that has a capacity, in all conditions of vessel list and trim to be encountered during the loading operation, of at least one-half barrel per hatch, manifold, and connection within the enclosed area;

(2) A fixed or portable container under each oil loading manifold and each oil transfer connection within the coaming, that holds at least one-half barrel;

(3) A mechanical means of closing each drain and scupper within the coaming; and

(4) A means of draining or removing discharged oil from the fixed or portable container and from within the coamings without discharging the oil into the water.

§ 155.320 Fuel oil and bulk lubricating oil discharge containment.

(a) A ship of 300 gross tons or more constructed after June 30, 1974 must have a fixed container or enclosed deck area under or around each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe, that:

(1) For a ship of 300 or more but less than 1600 gross tons has a capacity of at least one-half barrel; and

(2) For a ship of 1600 or more gross tons has a capacity of one barrel.

(b) A ship of 100 gross tons or more constructed before July 1, 1974, and a ship of 100 or more but less than 300 gross tons constructed after June 30, 1974 must:

(1) Meet paragraph (a)(1) of this section; or

(2) Equip each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe during oil transfer operations with a portable container of at least a 5 U.S. gallon capacity; or

(3) If the ship has a fill fitting for which containment is impractical, use an automatic back pressure shut-off nozzle.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

§ 155.330 Bilge slops/fuel oil tank ballast water discharges on U.S. non-oceangoing ships.

(a) No person may operate a U.S. non-oceangoing ship in the navigable waters of the United States, unless it has the capacity to retain on board all oily mixtures and is equipped to discharge these oily mixtures to a reception facility.

(b) A U.S. non-oceangoing ship may retain all oily mixtures on board in the ship's bilges. An oily residue (sludge) tank is not required.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

§ 155.350 Bilge slops/fuel oil tank ballast water discharges on oceangoing ships of less than 400 gross tons.

(a) No person may operate an oceangoing ship of less than 400 gross tons, unless it either:

(1) Has the capacity to retain on board all oily mixtures and is equipped to discharge these oily mixtures to a reception facility; or

(2) Has approved oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast and discharges into the sea in accordance with § 155.10.

(b) An oceangoing ship of less than 400 gross tons may retain all oily mixtures on board in the ship's bilges. An oily residue (sludge) tank is not required.

(c) This section does not apply to a barge that is not equipped with an installed bilge pumping system for discharge into the sea.

(d) This section does not apply to a fixed or floating drilling rig or other platform.

(e) This section does not apply to an existing ship until October 2, 1986.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by CGD 88-002, 54 FR 18407, Apr. 28, 1989]

§ 155.360 Bilge slops discharges on oceangoing ships of 400 gross tons and above but less than 10,000 gross tons, excluding ships that carry ballast water in their fuel oil tanks.

(a) No person may operate an oceangoing ship of 400 gross tons and above but less than 10,000 gross tons, exclud-

ing a ship that carries ballast water in its fuel oil tanks, unless it is fitted with approved 100 parts per million (ppm) oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast.

(b) No person may operate a ship under this section unless it is fitted with a tank or tanks of adequate capacity to receive the oily residues (sludges) that cannot be dealt with otherwise.

(1) In new ships such tanks shall be designed and constructed to facilitate cleaning and the discharge of the oily residues to reception facilities. Existing ships shall comply with this requirement as far as reasonable and practicable.

(2) Tanks used for oily wastes on ships certificated under 46 CFR Chapter I shall meet the requirements of 46 CFR 56.50-50(h) for isolation between oil and bilge systems.

(c) No person may operate a ship unless it is equipped with a pipeline to discharge oily mixtures to a reception facility.

(d) This section does not apply to a barge that is not equipped with an installed bilge pumping system for discharge into the sea.

(e) This section does not apply to a fixed or floating drilling rig or other platform.

(f) This section does not apply to an existing ship until October 2, 1986.

§ 155.370 Bilge slops/fuel oil tank ballast water discharges on oceangoing ships of 10,000 gross tons and above and oceangoing ships of 400 gross tons and above that carry ballast water in their fuel oil tanks.

(a) No person may operate an oceangoing ship of 10,000 gross tons and above or any oceangoing ship of 400 gross tons and above that carries ballast water in its fuel oil tanks unless it has either:

(1) Approved 100 ppm oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast and an approved bilge monitor; or

(2) Approved 15 ppm oily-water separating equipment for the processing of

oil bilge slops or oily fuel oil tank ballast and an approved bilge alarm.

(b) No person may operate a ship under this section unless it is fitted with a tank or tanks of adequate capacity to receive the oily residues (sludges) that cannot be dealt with otherwise.

(1) In new ships such tanks shall be designed and constructed to facilitate cleaning and the discharge of the oily residues to reception facilities. Existing ships shall comply with this requirement as far as reasonable and practicable.

(2) Tanks used for oily wastes on ships certificated under 46 CFR Chapter I shall meet the requirements of 46 CFR 56.50-50(h) for isolation between oil and bilge systems.

(c) No person may operate a ship under this section unless it is equipped with a pipeline to discharge oily mixtures to a reception facility.

(d) The master or other person having charge of a ship equipped in accordance with paragraph (a)(1) of this section shall ensure that the bilge monitor continuous record is maintained on board for not less than three years.

(e) This section does not apply to a barge that is not equipped with an installed bilge pumping system for discharge into the sea.

(f) This section does not apply to a fixed or floating drilling rig or other platform.

(g) This section does not apply to an existing ship until October 2, 1986.

(Approved by the Office of Management and Budget under control number 2115-0025)

§ 155.380 Oily-water separating equipment, bilge alarm, and bilge monitor approval standards.

(a) On U.S. inspected ships, oily-water separating equipment, bilge alarms, and bilge monitors must be approved under 46 CFR 162.050.

(b) On U.S. uninspected ships and foreign ships, oily-water separating equipment, bilge alarms, and bilge monitors must be approved under 46 CFR 162.050 or be listed in the current International Maritime Organization (IMO) Marine Environment Protection Committee (MEPC) Circular sum-

mary of MARPOL 73/78 approved equipment.

(c) A ship that is required to have 100 parts per million (ppm) oily-water separating equipment may have 15 parts per million (ppm) oily-water separating equipment installed in its place.

(d) A ship that is required to have a bilge alarm may have a bilge monitor installed in its place.

§ 155.390 Oceangoing ships other than tank ships carrying oil in bulk.

(a) Except as provided for in paragraph (b) of this section, no person may operate an oceangoing ship, other than a tank ship, with cargo space constructed and utilized to carry oil in bulk of an aggregate capacity of 200 cubic meters or more unless it complies with §§ 157.11, 157.12, 157.15, 157.33, 157.37, and 157.19(b)(3) of this chapter.

(b) If the aggregate capacity is less than 1,000 cubic meters, the ship may, in lieu of meeting the requirements of §§ 157.11, 157.12 and 157.15 of this chapter, retain oily mixtures on board and discharge them to a reception facility.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983; 48 FR 54977, Dec. 8, 1983]

§ 155.400 Platform machinery space drainage on oceangoing fixed and floating drilling rigs and other platforms.

(a) No person may operate an oceangoing fixed or floating drilling rig or other platform unless it either—

(1) Complies with the oily-water separating equipment requirements of a valid National Pollutant Discharge Elimination System (NPDES) permit issued in accordance with section 402 of the Clean Water Act and 40 CFR Chapter I;

(2) Complies with the oily-water separating equipment requirements for oceangoing ships of 400 gross tons and above as set forth in either § 155.360 or § 155.370; or

(3) Is not equipped with an installed bilge pumping system for discharge of oily mixtures from platform machinery spaces into the sea and has the capacity to retain on board all of these oily mixtures and is equipped to dis-

charge these mixtures for transport to a reception facility.

(b) When an oceangoing fixed or floating drilling rig or other platform is in a special area, is not proceeding en route, or is within 12 nautical miles of the nearest land; it must either—

(1) Have the capacity to retain on board all machinery space oily mixtures from platform machinery space drainage and be equipped to discharge these mixtures for transport to a reception facility; or

(2) Discharge in accordance with § 151.10 (b)(3), (b)(4) and (b)(5) of this chapter.

(c) Paragraph (b) of this section does not apply to a fixed or floating drilling rig or other platform that is operating under an NPDES permit.

(d) Paragraph (a) of this section does not apply to an existing fixed or floating drilling rig or other platform until October 2, 1986.

[CGD 75-124a, 48 FR 45715, Oct. 6, 1983, as amended by CGD 88-002, 54 FR 18407, Apr. 28, 1989]

§ 155.410 Pumping, piping and discharge requirements for non-oceangoing ships of 100 gross tons and above.

(a) No person may operate a non-oceangoing ship of 100 gross tons and above that is fitted with main or auxiliary machinery spaces in the navigable waters of the United States unless:

(1) The ship has at least one pump installed to discharge oily mixtures through a fixed piping system to a reception facility;

(2) The piping system required by this section has at least one outlet that is accessible from the weather deck;

(3) Each outlet required by this section has a shore connection that meets the specifications in § 155.430 or the ship has at least one portable adapter that meets the specifications in § 155.430 and fits the required outlets; and

(4) The ship has a stop valve for each outlet required by this section.

(b) Paragraph (a) of this section does not apply to a ship that has approved oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

§ 155.420 Pumping, piping and discharge requirements for oceangoing ships of 100 gross tons and above but less than 400 gross tons.

(a) No person may operate an oceangoing ship of 100 gross tons and above but less than 400 gross tons that is fitted with main or auxiliary machinery spaces unless:

(1) The ship has at least one pump installed to discharge oily mixtures through a fixed piping system to a reception facility;

(2) The piping system required by this section has at least one outlet accessible from the weather deck;

(3) The outlet required by this section has a shore connection that meets the specifications in § 155.430, or the ship has at least one adapter that meets the specifications in § 155.430 and fits the required outlets;

(4) The ship has a means on the weather deck near the discharge outlet to stop each pump that is used to discharge oily wastes; and

(5) The ship has a stop valve installed for each outlet required by this section.

(b) Paragraph (a) of this section does not apply to a ship that has approved oily-water separating equipment for the processing of oily bilge slops or oily fuel oil tank ballast.

(c) This section does not apply to a fixed or floating drilling rig or other platform.

§ 155.430 Standard discharge connections for oceangoing ships of 400 gross tons and above.

(a) An oceangoing ship of 400 gross tons and above must be fitted with a standard discharge shore connection, for the discharge to reception facilities, of oily wastes from machinery space bilges or fuel oil tank ballast water. The discharge connection must be of the following dimensions:

(1) Outside diameter=215 millimeters (mm).

(2) Inner diameter=according to pipe outside diameter.

(3) Bolt circle diameter=183 mm.

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(4) Slots in flange=6 holes 22 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm.

(5) Flange thickness=20 mm.

(6) Bolts and nuts, quantity and number=6 each of 20 mm in diameter and of suitable length.

(b) A portable adapter that meets the specifications of paragraph (a) of this section and that fits the discharge shore connection, for the discharge of oily wastes from machinery space bilges may be substituted for the standard discharge connection requirement of paragraph (a) of this section.

(c) The flange must be designed to accept pipes up to a maximum internal diameter of 125 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oilproof material, must be suitable for a service pressure of 6 kilograms/square centimeters (kg/cm^2).

§ 155.440 Segregation of fuel oil and water ballast on new oceangoing ships of 4,000 gross tons and above other than oil tankers, and on new oceangoing oil tankers of 150 gross tons and above.

(a) Except as provided for in paragraph (b) of this section, in new oceangoing ships of 4,000 gross tons and above other than oil tankers, and in new oceangoing oil tankers of 150 gross tons and above, ballast water must not be carried in any fuel oil tank.

(b) Where abnormal conditions or the need to carry large quantities of fuel oil render it necessary to carry ballast water that is not a clean ballast in any fuel oil tank, that ballast water must be discharged to reception facilities or into the sea in compliance with Part 151 of this chapter using the equipment specified in § 155.370, and an entry shall be made in the Oil Record Book to this effect.

(Approved by the Office of Management and Budget under control number 2115-0025)

§ 155.450 Placard.

(a) A ship, except a ship of less than 26 feet in length, must have a placard of at least 5 by 8 inches, made of dura-

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ble material, fixed in a conspicuous place in each machinery space, or at the bilge and ballast pump control station, stating the following:

DISCHARGE OF OIL PROHIBITED

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon or a discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of \$5,000.

(b) Existing stocks of placards may be used for the life of the placard.

(c) The placard required by paragraph (a) or (b) of this section must be printed in the language or languages understood by the crew.

§ 155.470 Prohibited oil spaces.

(a) In an oceangoing ship of 400 gross tons and above, for which the building contract is placed after January 1, 1982 or, in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction after July 1, 1982, oil must not be carried in a forepeak tank or a tank forward of the collision bulkhead.

(b) A self-propelled ship of 300 gross tons and above, to which paragraph (a) of this section does not apply, may not carry bulk oil or oily waste in any space forward of a collision bulkhead except:

(1) For a ship constructed after June 30, 1974, fuel oil for use on the ship may be carried in tanks forward of a collision bulkhead, if such tanks are at least 24 inches inboard of the hull structure; or

(2) For a ship constructed before July 1, 1974, fuel oil for use on the ship may be carried in tanks forward of a collision bulkhead, if such tanks were designated, installed, or constructed for fuel oil carriage before July 1, 1974.

Subpart C—Oil Transfer Personnel, Procedures, Equipment, and Records

SOURCE: CGD 75-124, 45 FR 7175, Jan. 31, 1980, unless otherwise noted.

§ 155.700 Designation of person in charge.

The operator, or his agent, of each vessel that has a capacity for 250 or more barrels of oil shall designate the person or persons in charge of each transfer of oil to or from the vessel and of each tank cleaning operation.

[CGD 71-160R, 37 FR 28256, Dec. 21, 1972]

§ 155.710 Qualifications of person in charge.

(a) No person may serve, and the operator of a vessel may not use the services of a person, as a person in charge of the transfer of oil to or from a vessel or of tank cleaning operations unless:

(1) For oil transfer operations on self-propelled tank vessels, that individual holds a valid license as master or mate on inspected, mechanically propelled vessels of more than 200 gross tons; pilot of inspected, mechanically propelled vessels; or engineer, except that the person in charge of tank cleaning operations may be a tankerman certificated for the grade of cargo last carried; or,

(2) For tank barges, the individual holds a valid license as master or mate on inspected, mechanically propelled vessels of more than 200 gross tons; pilot of inspected, mechanically propelled vessels; or engineer, or is a tankerman certificated for the grade of cargo carried; or,

(3) For vessels other than tank vessels that are required by 46 CFR Ch. I to have a licensed officer on board, he holds a valid license as a master, mate, pilot, engineer, or operator; or

(4) For all uninspected vessels of 100 or more gross tons, he has been instructed by the operator in his duties and the Federal Water Pollution laws and regulations that apply to the vessel.

(5) For foreign vessels of the same size and type as those specified in subparagraphs (a) (1), (2), and (3) of this section, he holds a license or certificate authorizing service on that vessel as a master, mate, pilot, engineer, or operator.

[CGD 71-160R, 37 FR 28256, Dec. 21, 1972, as amended by CGD 81-059, 54 FR 151, Jan. 4, 1989]

§ 155.720 Oil transfer procedures.

The operator of a vessel that has a capacity for 250 or more barrels of oil must provide oil transfer procedures that meet the requirements of this part and Part 156 for:

(a) Transfers of oil to or from the vessel; and

(b) Transfers of oil from tank to tank within the vessel.

§ 155.730 Compliance with oil transfer procedures.

The vessel operator of each vessel required by § 155.720 to have oil transfer procedures shall maintain them current and shall require vessel personnel to use the oil transfer procedures for each oil transfer operation.

§ 155.740 Availability of oil transfer procedures.

The oil transfer procedures required by § 155.720 must be:

(a) Available for inspection by the COTP or OCMI whenever the vessel is in operation;

(b) Legibly printed in a language or languages understood by personnel engaged in oil transfer operations; and

(c) Permanently posted or available at a place where the procedures can be easily seen and used by members of the crew when engaged in oil transfer operations.

§ 155.750 Contents of oil transfer procedures.

(a) The oil transfer procedures required by § 155.720 must contain, either in the order listed or by use of a cross-reference index page:

(1) A list of each product transferred to or from the vessel, including the following information:

(i) Generic or chemical name;

(ii) Cargo information as described in § 154.310(a)(5)(ii) of this chapter; and

(iii) Applicability of oil transfer procedures;

(2) A description of each oil transfer system on the vessel including:

(i) A line diagram of the vessel's oil transfer piping, including the location of each valve, pump, control device, vent, and overflow;

(ii) The location of the shutoff valve or other isolation device that separates any bilge or ballast system from the oil transfer system; and

(iii) A description of and procedures for emptying the discharge containment system required by §§ 155.310 and 155.320;

(3) The number of persons required to be on duty during oil transfer operations;

(4) The duties by title of each officer, person in charge, tankerman, deckhand, and any other person required for each oil transfer operation;

(5) Procedures and duty assignments for tending the vessel's moorings during the transfer of oil;

(6) Procedures for operating the emergency shutdown and communications means required by §§ 155.780 and 155.785, respectively;

(7) Procedures for topping off tanks;

(8) Procedures for ensuring that all valves used during the oil transfer operations are closed upon completion of transfer;

(9) Procedures for reporting oil discharges into the water; and

(10) Procedures for closing and opening the vessel openings in § 155.815.

(b) Exemptions or alternatives granted must be placed in the front of the oil transfer procedures.

(c) The vessel operator shall incorporate each amendment to the oil transfer procedures under § 155.760 in the procedures with the related existing requirement, or at the end of the procedures if not related to an existing requirement.

(d) If a vessel is fitted with a vapor control system, the oil transfer procedures must contain a description of the vapor collection system on the vessel which includes:

(1) A line diagram of the vessel's vapor collection system piping, including the location of each valve, control device, pressure-vacuum relief valve, pressure indicator, flame arresters, and detonation arresters, if fitted;

(2) The location of spill valves and rupture disks, if fitted;

(3) The maximum allowable transfer rate determined in accordance with 46 CFR 39.30-1(d) (1) through (d)(3);

(4) The initial transfer rate for each tank that complies with 46 CFR 39.30-1(h);

(5) A table or graph of transfer rates and corresponding vapor collection system pressure drops calculated in accordance with 46 CFR 39.30-1(b);

(6) The relief settings of each spill valve, rupture disk, and pressure-vacuum relief valve; and

(7) A description of and procedures for operating the vapor collection system, including the:

(i) Pre-transfer equipment inspection requirements;

(ii) Vapor line connection;

(iii) Closed gauging system;

(iv) High level alarm system, if fitted; and

(v) Independent automatic shutdown system, if fitted.

(Approved by the Office of Management and Budget under control number 2113-0120)

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25445, June 21, 1990]

EFFECTIVE DATE NOTE: By CGD 88-102, 55 FR 25445, June 21, 1990, in § 155.750, paragraph (d) and the parenthetical phrase concerning OMB approval were added, effective July 23, 1990.

§ 155.760 Amendment of oil transfer procedures.

(a) The COTP or OCMI may require the vessel operator of any vessel that is required to have oil transfer procedures under § 155.720 to amend those procedures if the COTP or OCMI finds that the oil transfer procedures do not meet the requirements of this part.

(b) The COTP or OCMI shall notify the vessel operator in writing of any inadequacies in the oil transfer procedures. The vessel operator may submit written information, views, and arguments on and proposals for amending the procedures within 14 days from the date of the COTP or OCMI notice. After considering all relevant material presented, the COTP or OCMI shall notify the vessel operator of any amendment required or adopted, or the COTP or OCMI may rescind the notice. The amendment becomes effective 30 days after the vessel operator receives the notice, unless the vessel

operator petitions the Commandant to review the COTP or OCMI notice, in which case its effective date is delayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing via the COTP or OCMI who issued the requirement to amend.

(c) If the COTP or OCMI finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil that makes the procedure in paragraph (b) of this section impractical or contrary to the public interest, he or she may issue an amendment effective on the date the vessel operator receives notice of it. In such a case, the COTP or OCMI includes a brief statement of the reasons for the findings in the notice, and the vessel operator may petition the Commandant, in any manner, to review the amendment. The petition does not postpone the amendment.

§ 155.770 Draining of oil.

No person may intentionally drain oil or oily waste from any source into the bilge of any vessel.

§ 155.780 Emergency shutdown.

(a) A tank vessel with a capacity of 250 or more barrels of cargo oil that is carrying oil must have on board an emergency means to enable a person in charge of an oil transfer operation to stop the flow of oil to a facility, other vessel, or within the vessel.

(b) The means required in paragraph (a) of this section may be a pump control, a quick-acting, power actuated valve, or an operating procedure. If an emergency pump control is used, it must stop the flow of oil if oil could siphon through the stopped pump.

(c) The means required in paragraph (a) of this section must be operable from the cargo deck, cargo control room, or the usual operating station of the person in charge of the oil transfer operation.

§ 155.785 Communications.

(a) During vessel to vessel oil transfers, each tank vessel with a capacity of 250 or more barrels of cargo oil that is carrying oil must have a means that enables continuous two-way voice com-

munication between the persons in charge of the transfer operations on both vessels.

(b) Each vessel must have a means, which may be the communication system itself, that enables a person on board each vessel to effectively indicate his desire to use the means of communication required by paragraph (a) of this section.

(c) The means required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all conditions of weather.

(d) Portable radio devices used to comply with paragraph (a) of this section during the transfer of flammable or combustible liquids must be intrinsically safe, as defined in 46 CFR 110.15-100(i), and meet Class I, Division I, Group D requirements as defined in 46 CFR 111.80.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980; 45 FR 43705, June 30, 1980]

§ 155.790 Deck lighting.

(a) A self-propelled vessel with a capacity of 250 or more barrels of oil that is transferring oil between sunset and sunrise must have deck lighting that adequately illuminates each:

(1) Transfer connection point on the vessel;

(2) Transfer connection point in use on any barge moored to the vessel to or from which oil is being transferred;

(3) Oil transfer operations work area on the vessel; and

(4) Oil transfer operations work area on any barge moored to the vessel to or from which oil is being transferred.

(b) Where the illumination is apparently inadequate the OCMI or COTP may require verification by instrument of the levels of illumination. On a horizontal plane 3 feet above the deck the illumination must measure at least:

(1) 5.0 foot candles at transfer connection points; and

(2) 1.0 foot candle in oil transfer operations work areas.

(c) Lighting must be located or shielded so as not to mislead or otherwise interfere with navigation on the adjacent waterways.

§ 155.800

§ 155.800 Oil transfer hose.

Hose used to transfer oil must meet the requirements of § 154.500 of this chapter.

§ 155.805 Closure devices.

(a) Each end of each oil transfer hose on board which is not connected for the transfer of oil must be blanked off with butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the COTP or OCMF.

(b) New, unused hose is exempt from the requirement in paragraph (a) of this section.

§ 155.810 Tank vessel security.

The vessel operator of each tank vessel that contains more oil than the normal clingage and unpumpable bilge or sump residues in any cargo tank shall maintain surveillance of that vessel by using a person who is responsible for the security of the vessel and for keeping unauthorized persons off the vessel.

§ 155.815 Tank vessel integrity.

(a) Except as provided in paragraph (b) of this section, a tank vessel underway or at anchor must have all closure mechanisms on the following openings properly closed:

- (1) Expansion trunk hatches;
- (2) Ullage openings;
- (3) Sounding ports;
- (4) Tank cleaning openings; and
- (5) Any other tank vessel openings that maintain the seaworthy condition of the tank vessel and prevent the inadvertent release of oil in the event of a tank vessel accident.

(b) No person may open any of the closure mechanisms in paragraph (a) of this section while the tank vessel is underway or at anchor except when authorized and supervised by a licensed officer or the tankerman required by 46 CFR 31.15-5(a).

§ 155.820 Records.

The vessel operator shall keep a written record available for inspection by the COTP or OCMF of:

(a) The name of each person currently designated as a person in charge of oil transfer operations.

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(b) The date and result of the most recent test and inspection of each item tested or inspected as required by § 156.170 of this chapter;

(c) The hose information required by § 154.500(e) and (g) of this chapter unless that information is marked on the hose; and

(d) The Declaration of Inspection as required by § 156.150(f) of this chapter.

APPENDIX A—SPECIFICATIONS FOR SHORE CONNECTION

(See §§ 340, 350, 370 and 380 of this Part)

Item	Description	Dimension
1.....	Outside diameter.	215 mm. (8 in.).
2.....	Inside diameter.	According to pipe outside diameter.
3.....	Bolt circle diameter.	183 mm. (7 1/4 in.).
4.....	Slots in flange.	6 holes 22 mm. (7/8 in.) in diameter shall be equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width is to be 22 mm. (7/8 in.).
5.....	Flange thickness.	20 mm. (3/4 in.).
6.....	Bolts and nuts.	6, each of 20 mm. (3/4 in.) in diameter and of suitable length.

The flange must be of steel having a flat face, with a gasket of oilproof material, and must be suitable for a service pressure of 6 kg./cm.2 (85 p.s.i.).

The steel materials used must meet the material specifications of standard 816.5, Steel Pipe Flanges and Flanged Fittings of the American National Standards Institute. (See § 154.106 of this chapter.)

(CGD 75-124, 45 FR 7176, Jan. 31, 1980)

PART 156—OIL AND HAZARDOUS MATERIAL TRANSFER OPERATIONS

Subpart A—Pollution Prevention Regulations for Oil Transfer Operations

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AUTHORITY: 33 U.S.C. 1231, 1321(j)(1) (C) and (D); sec. 2, E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.46. Subpart B is also issued under 46 U.S.C. 3715(b).

Subpart A—Pollution Prevention Regulations for Oil Transfer Operations

SOURCE: CGD 75-124, 45 FR 7177, Jan. 31, 1980, unless otherwise noted.

§ 156.100 Applicability.

This subpart applies to the transfer of oil on the navigable waters or contiguous zone of the U.S. to, from, or within any vessel and to or from a public vessel with a capacity of 250 or more barrels of that oil, except that this subpart does not apply to the transfer operation within or on a public vessel.

[CGD 78-180, 49 FR 11172, Mar. 26, 1984]

§ 156.105 Definitions.

The definitions in § 154.105 of this chapter apply to this subpart.

[CGD 78-180, 49 FR 11172, Mar. 26, 1984]

§ 156.107 Alternatives.

(a) The COTP may consider and approve alternative procedures, methods, or equipment standards to be used by a vessel or facility operator in lieu of any requirements in this part if:

(1) Compliance with the requirement is economically or physically impractical;

(2) The vessel or facility operator submits a written request for the alternative at least 30 days before operations under the alternative are pro-

posed, unless the COTP authorizes a shorter time; and

(3) The alternative provides an equivalent level of safety and protection from pollution by oil, which is documented in the request.

(b) The COTP takes final approval or disapproval action on any alternative requested, in writing, within 30 days of receipt of the request.

§ 156.110 Exemptions.

(a) The Chief, Office of Marine Safety, Security and Environmental Protection, acting for the Commandant, grants an exemption or partial exemption from compliance with any requirement in this part if:

(1) The vessel or facility operator submits an application for exemption via the COTP at least 30 days before operations under the exemption are proposed, unless the COTP authorizes a shorter time; and

(2) It is determined, from the application, that:

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of safety and protection from pollution by oil; and

(iii) The likelihood of oil being discharged as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption and proposed procedures, methods or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An exemption is granted or denied in writing. The decision of the Chief, Office of Marine Safety, Security and Environmental Protection, is a final agency action.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

§ 156.112 Suspension order.

The COTP or OCMI may issue a suspension order to suspend oil transfer operations to the vessel or facility operator when the COTP or OCMI finds there is a condition requiring action to prevent the discharge or threat of discharge of oil, or when the COTP or OCMI is unable to verify compliance with the regulations through an inspection. A suspension order:

- (a) May be effective immediately;
- (b) Is issued in writing unless it is effective immediately and then it may be issued orally and followed up in writing;
- (c) Includes a statement of each condition requiring action to prevent the discharge of oil; and
- (d) Is withdrawn when the COTP, OCMI, or District Commander, as applicable, determines that the condition requiring action to prevent the discharge or threat of discharge of oil has been corrected or no longer exists.

§ 156.113 Compliance with suspension order.

(a) No vessel or facility operator to whom a suspension order has been issued may conduct oil transfer operations from the time the order is effective until that order is withdrawn by the applicable COTP, OCMI, or by the District Commander.

(b) The vessel or facility operator may request reconsideration of the suspension order either orally or in writing to the COTP or OCMI who issued it. The request may contain supporting documentation and evidence that the vessel or facility operator wishes to have considered.

(c) Any person not satisfied with a ruling made under the procedure contained in paragraph (b) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Coast Guard District Commander of the district in which the suspension order was issued. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. The appeal does not stay the effect of the suspension order while the COTP or OCMI ruling is being reviewed. The District Commander issues a ruling after reviewing the appeal.

(d) The ruling by the District Commander is final agency action.

(e) If the delay in presenting a written appeal under paragraph (c) of this section would have a significant adverse impact on the appellant, the appeal may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the District Commander to whom the oral appeal was made, containing, at a minimum the basis for the appeal and a summary of the material presented orally.

§ 156.115 Person in charge: Limitations.

(a) No person may serve as the person in charge of oil transfer operations on more than one vessel at a time during oil transfers between vessels or between two or more vessels and a facility unless authorized by the COTP.

(b) No person may serve as the person in charge of both a vessel and a facility during oil transfer operations unless authorized by the COTP.

§ 156.118 Advance notice of oil transfer.

(a) The COTP may require a facility operator to notify the COTP of the time and place of each oil transfer operation at least 4 hours before it begins for facilities that:

- (1) Are mobile;
- (2) Are in a remote location;
- (3) Have a prior history of oil spills; or

(4) Conduct infrequent oil transfer operations.

(b) In the case of a vessel to vessel transfer, the COTP may require a vessel operator of a lightering or fueling vessel to notify the COTP of the time and place of each oil transfer operation, as specified by the COTP, at least 4 hours before it begins.

(c) No person may conduct such oil transfer operations until advance notice has been given as specified by the COTP.

NOTE: The notification may be accomplished by submitting a written schedule, periodically updated to be current.

§ 156.120 Requirements for oil transfer.

No person may conduct an oil transfer operation unless:

(a) The vessel's moorings are strong enough to hold during all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;

(b) Oil transfer hoses and loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on the hose, loading arm, or oil transfer piping system;

(c) Each hose is supported to prevent kinking or other damage to the hose and strain on its coupling.

(d) Each part of the oil transfer system is aligned to allow the flow of oil;

(e) Each part of the oil transfer system not necessary for the transfer operation is securely blanked or shut off;

(f) The end of each hose and loading arm that is not connected for the transfer of oil is blanked off using the closure devices required by §§ 154.120 and 155.805 of this chapter;

(g) The transfer system is attached to a fixed connection on the vessel and the facility except that when a vessel is receiving fuel, an automatic back pressure shutoff nozzle may be used;

(h) Each overboard discharge or sea suction valve that is connected to the vessel's oil transfer or cargo tank system is sealed or lashed in the closed position; except when used to receive or discharge ballast in compliance with 33 CFR Part 157;

(i) Each oil transfer hose has no un-repaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil through the hose material and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement ("reinforcement" means the strength members of the hose, consisting of fabric, cord and/or metal);

(j) Each hose or loading arm in use meets §§ 154.500 and 154.510 of this chapter, respectively;

(k) Each connection meets § 156.130;

(l) Any monitoring devices required by § 154.525 of this chapter are installed and operating properly;

(m) The discharge containment equipment required by § 154.545 of this chapter is readily accessible or deployed as applicable;

(n) The discharge containment required by §§ 154.530, 155.310, and 155.320 of this chapter, as applicable, is in place and periodically drained to provide the required capacity;

(o) Each drain and scupper is closed by the mechanical means required by § 155.310;

(p) All connections in the oil transfer system are leak free except that a component in an oil transfer system, such as the packing glands of a pump, may leak at a rate that does not exceed the capacity of the discharge containment provided during the transfer operation;

(q) The communications required by §§ 154.560 and 155.785 of this chapter are operable for the transfer operation;

(r) The emergency means of shutdown required by §§ 154.550 and 155.780 of this chapter, as applicable, is in position and operable;

(s) There is a person in charge on the transferring vessel or facility and the receiving vessel or facility except as otherwise authorized under § 156.115;

(t) Each person in charge required by paragraph (s) of this section:

(1) Is at the site of the oil transfer operation and immediately available to the oil transfer personnel;

(2) Has in his or her possession a copy of the facility operations manual or vessel oil transfer procedures, as appropriate; and

(3) Conducts the transfer operation in accordance with the facility operations manual or vessel oil transfer procedures, as appropriate;

(u) The personnel required, under the facility operations manual and the vessel oil transfer procedures, to conduct the oil transfer operation:

(1) Are on duty; and

(2) Conduct the transfer operation in accordance with the facility operations manual or vessel oil transfer procedures, as appropriate;

(v) At least one person is at the site of the oil transfer operation who fluently speaks the language or lan-

guages spoken by both persons in charge;

(w) The person in charge of oil transfer operations on the transferring vessel or facility and the person in charge of oil transfer operations on the receiving vessel or facility have held a conference, to ensure that each person in charge understands the following details of the transfer operation:

(1) The identity of the product to be transferred;

(2) The sequence of transfer operations;

(3) The transfer rate;

(4) The name or title and location of each person participating in the transfer operation;

(5) Details of the transferring and receiving systems;

(6) Critical stages of the transfer operation;

(7) Federal, state, and local rules that apply to the transfer of oil;

(8) Emergency procedures;

(9) Discharge containment procedures;

(10) Discharge reporting procedures;

(11) Watch or shift arrangement;

(12) Transfer shutdown procedures;

(x) The person in charge of oil transfer operations on the transferring vessel or facility and the person in charge of oil transfer operations on the receiving vessel or facility agree to begin the transfer operation;

(y) Between sunset and sunrise the lighting required by §§ 154.570 and 155.790 of this chapter is provided; and

(z) For transfer operations between tank barges from sunset to sunrise, lighting is provided as described in § 155.790 of this chapter.

(aa) A transfer operation which includes collection of vapor emitted from a vessel's cargo tanks through a venting system not located on the vessel must have the following verified by the person in charge:

(1) Each manual valve in the vapor collection system is correctly positioned to allow the collection of cargo vapor;

(2) A vapor collection hose or arm is connected to the vessel's vapor connection;

(3) The electrical insulating device required by § 154.810(g) of this chapter or 46 CFR 39.40-3(c) is fitted between the facility vapor connection and the vessel vapor connection;

(4) The initial loading rate and the maximum transfer rate are determined;

(5) The maximum and minimum operating pressures at the facility vapor connection are determined;

(6) The tank barge overfill control system, if installed, is connected to the facility, tested, and operating properly;

(7) The following have been performed not more than 24 hours prior to the start of the transfer operation:

(i) Each alarm and automatic shutdown system required by subpart E of part 154 of this chapter and 46 CFR part 39 has been tested and found to be operating properly, and

(ii) Analyzers required by § 154.820(a), § 154.824 (d) and (e) of this chapter or 46 CFR 39.40-3(a) have been checked for calibration by use of a span gas;

(8) Each vapor recovery hose has no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of vapor through the hose material, and no external gouges, cuts, or slashes that penetrate the first layer of hose reinforcement; and

(9) The oxygen content of the vessel's cargo tanks, if inerted, is at or below 8 percent by volume.

(Approved by the Office of Management and Budget under control number 2115-0506)

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25445, June 21, 1990]

EFFECTIVE DATE NOTE: By CGD 88-102, 55 FR 25445, June 21, 1990, in § 156.120, paragraph (aa) and the parenthetical phrase concerning OMB approval were added, effective July 23, 1990.

§ 156.125 Oil discharge cleanup.

(a) Each person conducting an oil transfer operation shall stop the transfer operation whenever oil from any source is discharged:

(1) In the transfer operation work area; or

(2) Into the water or upon the adjoining shoreline in the transfer area.

(b) Except as permitted under paragraph (c) of this section, no person may resume an oil transfer operation after it has been stopped under paragraph (a) of this section, unless:

(1) Oil discharged in the oil transfer operation work area is cleaned up; and

(2) Oil discharged into the water or upon the adjoining shoreline is cleaned up, or is contained and being cleaned up.

(c) The COTP may authorize resuming the oil transfer operation if it is deemed appropriate.

§ 156.130 Connection.

(a) Each person who makes a connection for oil transfer operations shall:

(1) Use suitable material in joints and couplings to ensure a leak-free seal;

(2) Use a bolt in at least every other hole, and in no case less than four bolts, in each temporary bolted connection that uses a flange that meets American National Standards Institute (ANSI) standard flange requirements under § 154.500(d)(2) of this chapter;

(3) Use a bolt in each hole in each temporary bolted connection that uses a flange other than one that meets ANSI standards;

(4) Use a bolt in each hole of each permanently connected flange;

(5) Use bolts of the correct size in each bolted connection; and

(6) Tighten each bolt and nut uniformly to distribute the load and sufficiently to ensure a leak free seal.

(b) A person who makes a connection for oil transfer operations must not use any bolt that shows signs of strain or is elongated or deteriorated.

(c) Except as provided in paragraph (d) of this section, no person may use a connection for oil transfer operations unless it is:

(1) A bolted or full threaded connection; or

(2) A quick-connect coupling acceptable to the Commandant.

(d) No person may transfer oil to a vessel that has a fill pipe for which containment cannot practically be pro-

vided unless an automatic back pressure shutoff nozzle is used.

§ 156.150 Declaration of inspection.

(a) No person may transfer oil to or from a vessel unless each person in charge, designated under §§ 154.710 and 155.700 of this chapter, has filled out and signed the declaration of inspection form described in paragraph (c) of this section.

(b) No person in charge may sign the declaration of inspection unless he or she has determined by inspection, and indicated by initialling in the appropriate space on the declaration of inspection form, that the facility or vessel, as appropriate, meets § 156.120.

(c) The declaration of inspection may be in any form but must contain at least:

(1) The name or other identification of the transferring vessel or facility and the receiving vessel or facility;

(2) The address of the facility or location of the transfer operation if not at a facility;

(3) The date the transfer operation is started;

(4) A list of the requirements in § 156.120 with spaces on the form following each requirement for the person in charge of the vessel or facility to indicate by initialling that the requirement is met for the transfer operation; and

(5) A space for the date, time of signing, signature, and title of each person in charge during oil transfer operations on the transferring vessel or facility and space for the date, time of signing, signature, and title of each person in charge during oil transfer operations on the receiving facility or vessel.

(d) The form for the declaration of inspection may incorporate the declaration-of-inspection requirements under 46 CFR 35.35-30.

(e) The vessel and facility persons in charge shall each have a signed copy of the declaration of inspection available for inspection by the COTP during the oil transfer operation.

(f) The operators of each vessel and facility engaged in an oil transfer operation shall retain a signed copy of the declaration of inspection on board

the vessel or at the facility for at least 1 month from the date of signature.

§ 156.160 Supervision by person in charge.

(a) No person may connect or disconnect a hose, top off a tank, or engage in any other critical procedures during an oil transfer operation unless the person in charge, required by § 156.120(s), supervises that procedure.

(b) No person may start the flow of oil to or from a vessel unless instructed to do so by either person in charge.

(c) No person may transfer oil to or from a vessel unless each person in charge is in the immediate vicinity and immediately available to the oil transfer personnel.

§ 156.170 Equipment tests and inspections.

(a) Except as provided in paragraph (d) of this section, no person may use any equipment listed in paragraph (c) of this section for oil transfer operations unless the vessel or facility operator, as appropriate, tests and inspects the equipment in accordance with paragraphs (b), (c) and (f) of this section and the equipment is in the condition specified in paragraph (c) of this section.

(b) During any test or inspection required by this section, the entire external surface of the hose must be accessible.

(c) For the purpose of paragraph (a) of this section:

(1) Each nonmetallic oil transfer hose must:

(i) Have no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil through the hose material, and no gouges, cuts or slashes that penetrate the first layer of hose reinforcement, as defined in § 156.120(j).

(ii) Have no external deterioration and, to the extent internal inspection is possible with both ends of the hose open, no internal deterioration;

(iii) Not burst, bulge, leak, or abnormally distort under static liquid pressure at least $1\frac{1}{2}$ times the maximum allowable working pressure; and

(iv) Where a dispute arises under paragraph (c)(1)(i) of this section, be acceptable for use after a hydrostatic test is successfully completed in the presence of the COTP;

(2) Each transfer system relief valve must open at or below the pressure at which it is set to open;

(3) Each pressure gauge must show pressure within 10 percent of the actual pressure;

(4) Each loading arm and each oil transfer pipe system, including each metallic hose, must not leak under static liquid pressure at least $1\frac{1}{2}$ times the maximum allowable working pressure; and

(5) Each item of remote operating or indicating equipment, such as a remotely operated valve, tank level alarm, or emergency shutdown device, must perform its intended function.

(d) No person may use any hose in underwater service for oil transfer operations unless the operator of the vessel or facility has tested and inspected it in accordance with paragraph (c)(1) or (c)(4) of this section, as applicable.

(e) The test fluid used for the testing required by this section is limited to liquids that are compatible with the hose tube as recommended by the hose manufacturer.

(f) The frequency of the tests and inspections required by this section must be:

(1) Annually for facilities; and

(2) Annually or as part of the biennial and mid-period inspections for vessels.

(g) If a facility or vessel collects vapor emitted from a vessel cargo tank with a vapor control system, the system must not be used unless the following tests and inspections are satisfactorily completed:

(1) Each vapor hose, vapor collection arm, pressure or vacuum relief valve, and pressure sensor is tested and inspected in accordance with paragraphs (b), (c), and (f) of this section;

(2) Each remote operating or indicating device is tested for proper operation in accordance with paragraph (f) of this section;

(3) Each detonation arrester required by § 154.820, § 154.826(a), and § 154.828(a) of this chapter or 46 CFR 39.40-3(d), and each flame arrester required by § 154.826(a), § 154.828 (a) and (c) of this chapter has been inspected internally within the last year, or sooner if operational experience has

shown that frequent clogging or rapid deterioration is likely; and

(4) Each hydrocarbon and oxygen analyzer required by § 154.820(a) and § 154.824 (d) and (e) of this chapter or 46 CFR 39.40-3(a) is calibrated:

- (i) Within the previous two weeks, or
- (ii) Within 24 hours prior to operation when the vapor control system is operated less frequently than once a week.

(Approved by the Office of Management and Budget under control number 2115-0096)

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25445, June 21, 1990]

EFFECTIVE DATE NOTE: By CGD 88-102, 55 FR 25445, June 21, 1990, in § 156.170, paragraph (g) and the parenthetical phrase concerning OMB approval were added, effective July 23, 1990.

Subpart B—Special Requirements for Lightering of Oil and Hazardous Material Cargoes

SOURCE: CGD 78-180, 49 FR 11172, Mar. 26, 1984, unless otherwise noted.

§ 156.200 Applicability.

This subpart applies to vessels which engage in oil and hazardous materials lightering operations in the marine environment beyond the baseline from which the territorial sea is measured, when the cargo lightered is destined for a port or place subject to the jurisdiction of the United States. This subpart does not apply to lightering operations involving public vessels. Within the contiguous zone and navigable waters of the United States these rules are in addition to the rules in Subpart A of this Chapter, as well as the rules in 33 CFR Part 155 and the applicable sections of 33 CFR Part 157.

§ 156.205 Definitions.

(a) In addition to the terms defined in this section, the definitions in § 154.105 of this chapter apply to this subpart.

(b) As used in this subpart: "Hazardous material" means any liquid material or substance which is:

- (1) Flammable or combustible; or
- (2) Designated a hazardous substance under section 311(b) of the Fed-

eral Water Pollution Control Act, as amended (33 U.S.C. 1321);

(3) Designated a hazardous material under section 104 of the Hazardous Materials Transportation Act (49 U.S.C. 1803).

"Lightering" or "Lightering operation" means the transfer of a cargo of oil or a hazardous material in bulk from one vessel to another, including all phases of the operation from the beginning of the mooring operation to the departure of the service vessel from the vessel to be lightered, except when that cargo is intended only for use as fuel or lubricant aboard the receiving vessel.

"Marine environment" means the navigable waters of the United States, the waters of any area over which the United States asserts exclusive fishery management authority, and the waters over the Outer Continental Shelf of the United States.

"Oil" means oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

"Service vessel" means the vessel which receives a cargo of oil or a hazardous material from another vessel in a lightering operation.

"Vessel to be lightered" means the vessel which transports a cargo of oil or a hazardous material to a place within the marine environment for transfer of that cargo to another vessel for further transport to a port or place subject to the jurisdiction of the United States. The term "vessel to be lightered" does not include drilling rigs, or offshore supply vessels transferring cargo intended for use as fuel or lubricant aboard the receiving vessel.

§ 156.210 General.

(a) No vessel may transfer oil or hazardous materials in a port or place subject to the jurisdiction of the United States, if the cargo has been lightered from another vessel, unless:

- (1) The regulations in this subpart have been complied with;
- (2) Both the vessel to be lightered and service vessel have, on board, at the time of transfer, a valid Certificate

of Inspection, Certificate of Compliance, or a Tank Vessel Examination Letter, as would have been required under 46 U.S.C. 3710 or 3711, had the transfer taken place in a port or place subject to the jurisdiction of the United States; and

(3) The vessel to be lightered has on board, at the time of transfer, an International Oil Pollution Prevention (IOPP) Certificate or equivalent documentation of compliance with Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), as would be required by Part 151 of this chapter for vessels in navigable waters of the United States. The IOPP Certificate or documentation of compliance shall be that prescribed by §§ 151.19 and 151.21 of this chapter, and shall be effective under the same timetable as specified in § 151.19.

(b) Lightering operations involving hazardous materials, other than oil, may be conducted only with the specific approval of the Commandant. A request to lighter hazardous materials, other than oil, must be submitted to Commandant (G-M) prior to the planned beginning of lightering operations. The request must include the information described in § 156.215(a) to the extent known, for the initial transfer, and the estimated frequency of subsequent lightering operations. After the entry into force of Annex II to MARPOL 73/78, vessels lightering hazardous materials shall carry an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973), if required by Annex II to MARPOL 73/78, or equivalent documentation of compliance with the annex.

[CGD 78-180, 49 FR 11172, Mar. 29, 1984, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

§ 156.215 Pre-arrival notices.

(a) The master, owner or agent of each vessel to be lightered must give at least 24 hours advance notice to the Captain of the Port nearest the lightering location or zone, prior to arrival in the lightering location or zone. This advance notice must include:

(1) The vessel's name, call sign or official number, and registry;

(2) The cargo type (if oil) or shipping name (if hazardous material) and approximate amount on board;

(3) The number of transfers expected;

(4) The lightering location or zone to be used;

(5) The estimated time of arrival in the lightering location or zone;

(6) The estimated duration of transfer operations; and

(7) The name and destination of service vessel(s).

(b) In the event the estimated time of arrival in the lightering location or zone changes by more than six hours, the Master, owner or agent of each vessel to be lightered must advise the Captain of the Port of this change as soon as possible.

(c) Where lightering is conducted as a result of collision, grounding, tank rupture or any similar emergency, immediate notice must be given to the Captain of the Port.

§ 156.220 Reporting of incidents.

(a) An immediate report must be made to the nearest Captain of the Port, by the service vessel, if fire, explosion, collision, grounding or any similar emergency, which poses a threat to the vessels involved, occurs during lightering.

(b) Any discharge of oil or hazardous material into the water shall be reported, by the service vessel, in accordance with the procedures specified in § 151.15 of this chapter.

§ 156.225 Designation of lightering zones.

The District Commander is delegated the authority to designate lightering zones and their operating requirements, where they are necessary for safety or environmental protection. When a lightering zone has been designated, lightering operations in a given geographic area may only be conducted within the designated lightering zone.

§ 156.230 Factors considered in designating lightering zones.

The following factors are considered in designating a lightering zone:

(a) The findings of the environmental analysis or, if prepared, the Environmental Impact Statement;

(b) The proximity of the zone to:

- (1) Shipping lanes;
- (2) Vessel traffic schemes or vessel separation systems;
- (3) Anchorages;
- (4) Fixed structures;
- (5) Designated marine sanctuaries;
- (6) Commercial and recreational fishing areas;
- (7) Environmentally sensitive areas; and

(8) Designated units of the National Park System, National Wild and Scenic Rivers System, National Wilderness Preservation System, properties included on the National Register of Historic Places and National Registry of Natural Landmarks, and National Wildlife Refuge System.

(c) The traditional use of areas for lightering operations;

(d) The normal weather and sea conditions in the areas, and their effect on lightering operations, and the fate of possible cargo discharges;

(e) The depth of water and underwater obstructions that may adversely impact anchorages and clearance of vessels;

(f) Other relevant safety, environmental, or economic data.

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

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- 157.01 Applicability.
- 157.03 Definitions.
- 157.04 Authorization of classification societies.
- 157.05 Performing calculations for this part.
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- 157.08 Applicability of Subpart B.
- 157.09 Segregated ballast.
- 157.10 Protective location of segregated ballast tanks and crude oil washing systems for certain new vessels.

Sec.

- 157.10a Segregated ballast tanks, crude oil washing systems, and dedicated clean ballast tanks for certain new and existing vessels of 40,000 DWT or more.
- 157.10b Segregated ballast tanks, dedicated clean ballast tanks, and special ballast arrangements for tank vessels transporting Outer Continental Shelf oil.
- 157.10c Segregated ballast tanks, crude oil washing systems, and dedicated clean ballast tanks for certain new and existing tankships of 20,000 to 40,000 DWT.
- 157.11 Pumping, piping, and discharge arrangements.
- 157.12 Cargo monitor and control system.
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- 157.15 Slop tanks in tank vessels.
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APPENDICES TO PART 157

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APPENDIX F—GUIDELINES AND SPECIFICATIONS FOR OIL DISCHARGE MONITORING AND CONTROL SYSTEMS FOR TANKERS

AUTHORITY: Sec. 4, Pub. L. 96-478, 94 Stat. 2296 (33 U.S.C. 1903); 46 U.S.C. 3703; 49 CFR 1.46(n) and (hh).

SOURCE: CGD 74-32, 49 FR 48283, Oct. 14, 1975, unless otherwise noted.

Subpart A—General

§ 157.01 Applicability.

(a) This part applies to each tank vessel of 150 gross tons or more, unless otherwise indicated, that carries crude oil or products in bulk and that is:

(1) Documented under the laws of the United States (U.S. vessel); or

(2) A foreign vessel that:

(i) Transfers cargo at a port or place subject to the jurisdiction of the United States; or

(ii) Otherwise enters or operates in the navigable waters of the United States.

(b) This part does not apply to the following:

(1) Vessels under Subsections (4) and (5) of Sec. 5, Port and Tanker Safety Act of 1978 (Pub. L. 95-474, 92 Stat. 1480, 46 U.S.C. 391a).

(2) Any foreign vessel not destined for, or departing from, a port or place subject to the jurisdiction of the United States that is in innocent passage through the territorial seas of the United States or in transit through navigable waters of the United States which form a part of an international strait.

[CGD 77-058b, 45 FR 43706, June 30, 1980]

§ 157.03 Definitions.

As used in this part:

(a) "Length" or "L" means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the water line is measured parallel to the designed waterline.

(b) "Amidships" means the middle of the length.

(c) "Breadth" or "B" means the maximum molded breadth of a vessel in meters.

(d) "Center tank" means any tank inboard of a longitudinal bulkhead.

(e) "Clean ballast" means ballast which:

(1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not:

(i) Produce visible traces of oil on the surface of the water or on adjoining shore lines, or

(ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(2) If verified by an approved cargo monitor and control system, has an oil content that does not exceed 15 p.p.m.

(f) "Combination carrier" means a vessel designed to carry oil or solid cargoes in bulk.

(g) "Deadweight" or "DWT" means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the load waterline corresponding to the assigned summer freeboard.

(h) "Lightweight" means the displacement of a vessel in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water, and feed-water in tanks, consumable stores, and any persons and their effects.

(i) "New Vessel" means:

(1) A U.S. vessel in domestic trade that:

(i) Is constructed under a contract awarded after December 31, 1974;

(ii) In the absence of a building contract, has the keel laid or is at a simi-

lar stage of construction after June 30, 1975;

(iii) Is delivered after December 31, 1977; or

(iv) Has undergone a major conversion for which:

(A) The contract is awarded after December 31, 1974;

(B) In the absence of a contract, conversion is begun after June 30, 1975; or

(C) Conversion is completed after December 31, 1977; and

(2) A foreign vessel or a U.S. vessel in foreign trade that:

(i) Is constructed under a contract awarded after December 31, 1975;

(ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(iii) Is delivered after December 31, 1979; or

(iv) Has undergone a major conversion for which:

(A) The contract is awarded after December 31, 1975;

(B) In the absence of a contract, conversion is begun after June 30, 1976; or

(C) Conversion is completed after December 31, 1979.

(j) "Existing vessel" means any vessel that is not a new vessel.

(k) "Major conversion" means a conversion of an existing vessel that:

(1) Substantially alters the dimensions or carrying capacity of the vessel, except the installation of only segregated ballast tanks, dedicated clean ballast tanks, or a crude oil washing system to meet this part;

(2) Changes the type of vessel; or

(3) Substantially prolongs the vessel's service life.

(l) "From the nearest land" means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(m) "Instantaneous rate of discharge of oil content" means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

(n) "Oil" includes oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(o) "Oil fuel" means any oil used as fuel for machinery in the vessel in which it is carried.

(p) "Oily mixture" means a mixture with any oil content.

(q) "Permeability of a space" means the ratio of the volume within a space that is assumed to be occupied by water to the total volume of that space.

(r) "Segregated ballast" means the ballast water introduced into a tank that is completely separated from the cargo oil and oil fuel system and that is permanently allocated to the carriage of ballast.

(s) "Slop tank" means a tank specifically designated for the collection of cargo drainings, washings, and other oil mixtures.

(t) "Tank" means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(u) "Tank barge" means a tank vessel not equipped with a means of self-propulsion.

(v) "Tank vessel" means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

(1) Is a vessel of the United States;

(2) Operates on the navigable waters of the United States; or

(3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

(w) "Foreign trade" means any trade that is not domestic trade.

(x) "Wing tank" means a tank that is located adjacent to the side shell plating.

(y) "Tankship" means a tank vessel propelled by mechanical power or sail.

(z) "Domestic trade" means trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

(aa) "Cargo tank length" means the length from the collision bulkhead to the forward bulkhead of the machinery spaces.

(bb) "Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for trans-

portation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(cc) "Product" means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

(dd) "Dedicated clean ballast tank" means a cargo tank that is allocated solely for the carriage of clean ballast.

(ee) "Integrated tug barge" means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

(ff) "Ballast voyage" means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.

(gg) "Large primary structural member" includes any of the following:

- (1) Web frames.
- (2) Girders.
- (3) Webs.
- (4) Main brackets.
- (5) Transverses.
- (6) Stringers.

(7) Struts in transverse web frames when there are 3 or more struts and the depth of each is more than $\frac{1}{4}$ of the total depth of the tank.

(hh) "MARPOL Protocol" means the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London on February 17, 1978. This Protocol incorporates and modifies the International Convention for the Prevention of Pollution from Ships, 1973, done at London on November 2, 1973.

[CGD 74-32, 40 FR 48263, Oct. 14, 1975, as amended by CGD 75-201, 41 FR 1482, Jan. 8, 1976; CGD 75-240, 41 FR 54179, Dec. 13, 1976; CGD 77-058b, 45 FR 43708, June 30, 1980; CGD 78-088b, 48 FR 45720, Oct. 6, 1983; CGD 82-28, 50 FR 11625, Mar. 22, 1985]

§ 157.04 Authorization of classification societies.

(a) The Coast Guard may authorize any classification society (CS) to per-

form certain plan reviews, certifications, and inspections required by this part on vessels classed by that CS, except that only U.S. classification societies may be authorized to perform those plan reviews, inspections, and certifications for U.S. vessels.

(b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593-0001, evidence from the governments concerned showing that they have authorized the CS to inspect and certify vessels on their behalf under the MARPOL Protocol.

(c) The Coast Guard notifies the CS in writing whether or not it is accepted as an authorized CS. If authorization is refused, reasons for the refusal are included.

(d) Acceptance as an authorized CS terminates unless the following are met:

- (1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.
- (2) Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.

(3) Copies of any plans, calculations, records of inspections, or other documents relating to any plan review, inspection, or certification performed to meet this part must be made available to the Coast Guard.

(4) Each document certified under §§ 157.116(a)(2), 157.118(b)(1)(ii), and 157.216(b)(1)(ii) must be marked with the name or seal of the authorized CS.

(5) A copy of the final documentation that is issued to each vessel that is certified under this part must be referred to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

[CGD 82-28, 50 FR 11625, and 11630, Mar. 22, 1985, as amended by CGD 88-082, 53 FR 25122, July 1, 1988]

§ 157.05

§ 157.05 Performing calculations for this part.

In this part, unless the context requires otherwise:

(a) Formulas are in the International System of Units (SI);

(b) Values used in those formulas must be in the International System of Units; and

(c) Forward and after perpendiculars are located at the forward end and at the after end of the length. The forward perpendicular coincides with the foreside of the stem on the waterline on which the length of the vessel is measured.

§ 157.06 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard official who is responsible for that action.

(b) Any person not satisfied with a ruling made under the procedure contained in paragraph (a) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Coast Guard District Commander of the district in which the action was taken. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the District Commander may stay the effect of the action being appealed while the ruling is being reviewed. The District Commander issues a ruling after reviewing the appeal submitted under this paragraph.

(c) Any person not satisfied with a ruling made under the procedure contained in paragraph (b) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Chief, Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, D.C. 20593-0001. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the Chief, Office of Merchant Marine Safety may stay the effect of the action being appealed while the ruling is being reviewed. The Chief, Office of Merchant Marine Safety issues a ruling after reviewing

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the appeal submitted under this paragraph.

(d) Any decision made by the Chief, Office of Marine Safety, Security and Environmental Protection under the procedure contained in paragraph (c) of this section is final agency action.

(e) If the delay in presenting a written appeal would have a significant adverse impact on the appellant, the appeal under paragraph (b) or (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the oral presentation was made. The written appeal must contain, at a minimum the basis for the appeal and a summary of the material presented orally.

[CGD 77-058b, 45 FR 43706, June 30, 1980 as amended by CGD 88-052, 53 FR 2512, July 1, 1988]

§ 157.07 Equivalents.

The Coast Guard may accept an equivalent, in accordance with the procedure in 46 CFR 30.15-1, of a design or an equipment to fulfill a requirement in this Part, except an operational method may not be substituted for a design or equipment requirement that is also required under the MARPOL Protocol.

[CGD 82-28, 50 FR 11525, Mar. 22, 1985]

Subpart B—Design, Equipment, and Installation

§ 157.08 Applicability of Subpart B.

This subpart applies to vessels under this part that are seagoing and of 150 gross tons or more, except as follows:

(a) Section 157.21 also applies to vessels under this part on voyages on the Great Lakes.

(b) Sections 157.11, 157.12, 157.13 and 157.15 do not apply to a tank vessel that carries only asphalt, carbon black feed stock, or other products with similar physical properties such as specific gravity and cohesive and adhesive characteristics, that inhibit effective product/water separation and monitoring.

(c) Sections 157.11, 157.12, 157.13, 157.15 and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while proceeding en route.

(d) Sections 157.19 and 157.21 do not apply to a tank barge whose certificate is endorsed by the Coast Guard for a limited short protected coastwise route if the barge is constructed and certificated primarily for service on an inland route.

(e) Section 157.09(d) does not apply to any:

(1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

(f) Sections 157.09 and 157.10a do not apply to a new vessel that:

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion for which:

(i) The contract is awarded after June 1, 1979;

(ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(iii) Conversion is completed after June 1, 1982.

(g) Sections 157.09(b)(3), 157.10(c)(3), 157.10a(d)(3), and 157.10b(b)(3) do not apply to tank barges.

(h) Section 157.10b does not apply to tank barges if they do not carry ballast while they are engaged in trade involving the transfer of crude oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States.

(i) Section 157.12 does not apply to a U.S. vessel that:

(1) Is granted an exemption under Subpart F of this part; or

(2) Is engaged solely in voyages that are:

(i) Between ports or places within the United States, its territories or possessions;

(ii) Of less than 72 hours in length; and

(iii) At all times within 50 nautical miles of the nearest land.

[CGD 75-240, 41 FR 54179, Dec. 13, 1976, as amended by CGD 77-058b, 45 FR 43707, June 30, 1980; CGD 79-152, 45 FR 82249, Dec. 15, 1980; CGD 76-088b, 48 FR 45720, Oct. 6, 1983]

§ 157.09 Segregated ballast.

(a) A new vessel of 70,000 tons DWT or more must have segregated ballast tanks that have a total capacity to allow the vessel to meet the draft and trim requirements in paragraph (b) of this section without recourse to the use of oil tanks for water ballast.

(b) In any ballast condition during any part of a voyage, including that of lightweight with only segregated ballast, the vessel's drafts and trim must have the capability of meeting each of the following requirements:

(1) The molded draft amidship (dm) in meters without taking into account vessel deformation must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship as specified in paragraph (b)(1) of this section, in association with the trim by the stern of no more than 0.015L.

(3) The minimum allowable draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(c) The vessel may be designed to carry ballast water in cargo tanks during the condition described in § 157.35.

(d) Segregated ballast spaces, voids, and other noncargo-carrying spaces for a vessel of conventional form must be distributed:

(1) So that the mathematical average of the hypothetical collision (O_c) and the hypothetical stranding (O_s) outflows as determined by the application of the procedures in § 157.19 and Appendix B is 80 percent or less of the

maximum allowable outflow (O_A) as determined by § 157.19(b)(1); and

(2) To protect at least 45 percent of the sum of the side and bottom shell areas, based upon projected molded dimensions, within the cargo tank length. When the vessel design configuration does not provide for the spaces to be distributed to protect at least 45 percent of the side and bottom shell areas, the spaces must be distributed so that the mathematical average of the hypothetical collision (O_c) and the hypothetical stranding (O_s) outflows, determined by application of the procedures in § 157.19 and Appendix B, is a further 2 percent less than the maximum allowable outflow (O_A) for each 1 percent by which the shell area protection coverage required is not achieved.

(e) A ballast space, void or other non-cargo-carrying space used to meet requirements in paragraph (d) of this section must separate the cargo tank boundaries from the shell plating of the vessel by at least 2 meters.

(f) A vessel of conventional form for application of this section has:

(1) A block coefficient of .80 or greater,

(2) A length to depth ratio between 12 and 16, and

(3) A breadth to depth ratio between 1.5 and 3.5.

(g) Segregated ballast spaces, voids, and other noncargo-carrying spaces for a vessel not of conventional form must be distributed in a configuration acceptable to the Coast Guard.

(CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 74-32, 40 FR 49328, Oct. 22, 1975; CGD 75-201, 41 FR 1482, Jan. 8, 1976)

§ 157.10 Protective location of segregated ballast tanks and crude oil washing systems for certain new vessels.

(a) This section applies to a new vessel that:

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion for which:

(i) The contract is awarded after June 1, 1979;

(ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(iii) Conversion is completed after June 1, 1982.

(b) Each tank vessel under this section of 20,000 DWT or more that carries crude oil and of 30,000 DWT or more that carries products must have segregated ballast tanks that have a total capacity to allow the vessel to meet the draft and trim requirements in paragraph (c) of this section without recourse to the use of cargo tanks for water ballast.

(c) In any ballast condition during any part of a voyage, including that of lightweight with only segregated ballast, each tank vessel under paragraph (b) of this section must have the capability of meeting each of the following:

(1) The molded draft amidship (dm) in meters, without taking into account vessel deformation, must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship under paragraph (c)(1) of this section, in association with a trim by the stern of no more than 0.015L.

(3) The minimum draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(d) Segregated ballast tanks under paragraph (b) of this section, voids and other spaces that do not carry cargo which are within the cargo tank length must be distributed as determined under the procedure contained in Appendix C of this part.

(e) Each tank vessel under this section of 20,000 DWT or more that carries crude oil must have a crude oil washing system that meets the design, equipment, and installation requirements in Subpart D of this part.

(f) Each tank vessel under this section may be designed to carry ballast water in cargo tanks as allowed under § 157.35.

[CGD 77-058b, 45 FR 43707, June 30, 1980]

§ 157.10a Segregated ballast tanks, crude oil washing systems, and dedicated clean ballast tanks for certain new and existing vessels of 40,000 DWT or more.

(a) Not later than June 1, 1981, except as allowed in paragraph (b) of this section, an existing vessel of 40,000 DWT or more that carries crude oil and a new vessel of 40,000 DWT or more but less than 70,000 DWT that carries crude oil must have:

(1) Segregated ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; or

(2) A crude oil washing system that meets the design, equipment, and installation requirements of Subpart D of this part.

(b) Each tank vessel under paragraph (a) of this section does not have to meet the requirements of paragraph (a) of this section until June 1, 1983, for an existing vessel of 70,000 DWT or more, or until June 1, 1985, for a new or existing vessel of 40,000 DWT or more but less than 70,000 DWT, if the vessel:

(1) Has dedicated clean ballast tanks with the total capacity to meet the draft and trim requirements under paragraph (d) of this section; and

(2) Meets the design and equipment requirements under Subpart E of this part.

(c) Not later than June 1, 1981, an existing vessel of 40,000 DWT or more that carries products and a new vessel of 40,000 DWT or more but less than 70,000 DWT that carries products must have:

(1) Segregated ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (d) of this section; or

(2) Dedicated clean ballast tanks that have a total capacity to meet the draft and trim requirements in paragraph (d) of this section and that meet the design and equipment requirements under Subpart E of this part.

(d) In any ballast condition during any part of a voyage, including that of lightweight with either segregated ballast in segregated ballast tanks or clean ballast in dedicated clean ballast tanks, each tank vessel under para-

graph (a)(1), (b), or (c) of this section must have the capability of meeting each of the following without recourse to the use of cargo tanks for water ballast:

(1) The molded draft amidship (dm) in meters, without taking into account vessel deformation, must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship under paragraph (d)(1) of this section, in association with a trim by the stern of no more than 0.015L.

(3) The minimum draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(e) Each tank vessel that meets paragraph (a)(1), (b), or (c) of this section may be designed to carry ballast water in cargo tanks as allowed under § 157.35.

NOTE: Segregated ballast tanks located in wing tanks provide protection against oil outflow in the event of a collision, ramming, or grounding.

[CGD 77-058b, 45 FR 43707, June 30, 1980, as amended by CGD 82-28, 50 FR 11626, Mar. 22, 1985]

§ 157.10b Segregated ballast tanks, dedicated clean ballast tanks, and special ballast arrangements for tank vessels transporting Outer Continental Shelf oil.

(a) Each tank vessel that is engaged in the transfer of crude oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States on or after June 1, 1980 must, if segregated ballast tanks or dedicated clean ballast tanks are not required under § 157.09, § 157.10 or § 157.10a, have one of the following:

(1) Segregated ballast tanks with a total capacity to meet the draft and trim requirements in paragraph (b) of this section.

(2) Dedicated clean ballast tanks having a total capacity to meet the draft and trim requirements in para-

graph (b) of this section and meeting the design and equipment requirements under Subpart E of this part.

(3) Special ballast arrangements acceptable to the Coast Guard.

(b) In any ballast condition during any part of a voyage, including that of lightweight with either segregated ballast in segregated ballast tanks or clean ballast in dedicated clean ballast tanks, each vessel under paragraph (a)(1) or (a)(2) of this section must have the capability of meeting each of the following:

(1) The molded draft amidship (dm), in meters, without taking into account vessel deformation, must not be less than "dm" in the following mathematical relationship:

$dm = 2.00 + 0.020L$ for vessels of 150 meters or more in length

$dm = 1.25 + 0.025L$ for vessels less than 150 meters in length

(2) The drafts, in meters, at the forward and after perpendiculars must correspond to those determined by the draft amidship under paragraph (b)(1) of this section, in association with a trim, in meters, by the stern (t) of no more than "t" in the following mathematical relationship:

$t = 0.015L$ for vessels of 150 meters or more in length

$t = 1.5 + 0.005L$ for vessels less than 150 meters in length

(3) The minimum draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(c) Special ballast arrangements are accepted under the procedures in paragraph (d) of this section if:

(1) The vessel is dedicated to one specific route;

(2) Each offshore transfer facility on the route is less than 50 miles from shore;

(3) The duration of the ballast voyage is less than 10 hours;

(4) They prevent the mixing of ballast water and oil; and

(5) They provide suitable draft and trim to allow for the safe navigation of the vessel on the intended route.

(d) The owner or operator of a vessel that meets paragraph (c) of this section must apply for acceptance of the special ballast arrangement, in writ-

ing, to the Officer in Charge, Marine Inspection, of the zone in which the vessel operates. The application must contain:

(1) The specific route on which the vessel would operate;

(2) The type of ballast to be carried;

(3) The location of the ballast on the vessel;

(4) Calculations of draft and trim for maximum ballast conditions; and

(5) The associated operating requirements or limitations necessary to ensure safe navigation of the vessel.

NOTE: Operating requirements or limitations necessary to ensure safe navigation of the vessel could include (but are not limited to) weather conditions under which the vessel would not operate and weather conditions under which cargo would be carried in certain cargo tanks on the ballast voyage.

(e) The Coast Guard will inform each applicant for special ballast arrangements under paragraph (d) of this section whether or not the arrangements are accepted. If they are not accepted, the reasons why they are not accepted will be stated.

(f) Each tank vessel under this section may be designed to carry ballast water in cargo tanks, as allowed under § 157.35.

[CGD 79-152, 45 FR 82249, Dec. 15, 1980]

§ 157.10c Segregated ballast tanks, crude oil washing systems, and dedicated clean ballast tanks for certain new and existing tankships of 20,000 to 40,000 DWT.

(a) This section applies to each tankship of 20,000 DWT or more, but less than 40,000 DWT, except each one that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion, for which—

(i) The contract is awarded after June 1, 1979; or

(ii) Conversion is completed after June 1, 1982.

(b) On January 1, 1986, or 15 years after the date it was delivered to the

original owner or 15 years after the completion of a major conversion, whichever is later, a vessel under this section that carries crude oil must have—

(1) Segregated ballast tanks that have a total capacity to allow the vessel to meet the draft and trim requirements in § 157.09(b); or

(2) A crude oil washing system that meets the design, equipment, and installation requirements of §§ 157.122 through 157.138.

(c) On January 1, 1986, or 15 years after the date it was delivered to the original owner or 15 years after the completion of a major conversion, whichever is later, a vessel under this section that carries product must have—

(1) Segregated ballast tanks that have total capacity to allow the vessel to meet the draft and trim requirements in § 157.09(b); or

(2) Dedicated clean ballast tanks that meet the design and equipment requirements under §§ 157.220, 157.222, and 157.224 and have total capacity to allow the vessel to meet the draft and trim requirements in § 157.09(b).

(d) If the arrangement of tanks on a vessel under this section is such that, when using the tankage necessary to comply with the draft and trim requirements in § 157.09(b), the draft amidships exceeds the minimum required draft by more than 10 percent, or the arrangement results in the propeller being fully immersed by more than 10 percent of its diameter, alternative arrangements may be accepted provided—

(1) At least 80 percent of the propeller diameter is immersed; and

(2) The moulded draft amidships is at least 80 percent of that required under § 157.09(b)(1).

[CGD 82-28, 50 FR 11626, Mar. 22, 1985; 50 FR 12800, Apr. 1, 1985]

§ 157.11 Pumping, piping and discharge arrangements.

(a) Each tank vessel must have a fixed piping system for transferring cargo residues and other oily mixtures from cargo tanks to slop tanks and for discharging oily mixtures to the sea and to reception facilities. On a vessel

that has two or more independent piping arrangements, the arrangements collectively form the fixed piping system required by this paragraph.

(b) Each fixed piping system required by paragraph (a) of this section must have:

(1) At least two manifolds on the weather deck for transferring oily mixtures to reception facilities, one of which is on the port side of the vessel and one of which is on the starboard side; and

(2) Except as provided in paragraph (c) of this section, at least one discharge point that:

(i) Is used for discharges to the sea;

(ii) Is on a port or starboard weather deck or on the vessel's side above the waterline of its deepest ballast condition; and

(iii) Has an automatic stop valve that is actuated by a cargo monitor signal, except that manual valves may be provided on new vessels of less than 4,000 tons deadweight and on existing vessels.

(c) An above waterline discharge point is not required on an existing vessel if its fixed piping system meets Paragraphs 3 and 4 of Appendix E of this part.

(d) Each tank vessel under § 157.09, § 157.10a, or § 157.10b that carries crude oil must have:

(1) Equipment that drains each cargo pump and oil piping line of oil residue;

(2) Oil piping lines for the draining of oil residue from cargo pumps and other oil piping lines to a cargo tank or a slop tank; and

(3) An oil piping line that meets paragraph (f) of this section and is connected to the cargo discharge piping on the outboard side of the manifold valves for the draining of oil residue from cargo pumps and other oil piping lines to a receptacle on the shore.

(e) Each tank vessel under § 157.10 must have:

(1) Oil piping lines that are designed and installed to minimize oil retention in those lines;

(2) Equipment that drains each cargo pump and oil piping line of oil residue;

(3) Oil piping lines for the draining of oil residue from cargo pumps and other oil piping lines to a cargo tank or slop tank; and

(4) An oil piping line that meets paragraph (f) of this section and is connected to the cargo discharge piping on the outboard side of the manifold valves for the draining of oil residue from cargo pumps and other oil piping lines to a receptacle on the shore.

(f) Each oil piping line under paragraph (d)(3) or (e)(4) of this section must have a cross-sectional area of 10 percent or less of the cross-sectional area of the main cargo discharge piping line, except if the oil piping line under paragraph (d)(3) of this section is installed before January 1, 1980, that piping line may have a cross-sectional area of 25 percent or less of the cross-sectional area of the main cargo discharge piping line.

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 80-78, 45 FR 43704, June 30, 1980; CGD 77-058b, 45 FR 43708, June 30, 1980; CGD 79-152, 45 FR 82250, Dec. 15, 1980; CGD 76-088b, 48 FR 45720, Oct. 6, 1983]

§ 157.12 Cargo monitor and control system.

(a) Each vessel must have, for each type of cargo oil that it carries, at least one cargo monitor that is designed for use with that oil.

(b) Each monitor installed on a U.S. vessel must be approved under 46 CFR 162.050. Each monitor installed on a foreign vessel must be approved:

(1) Under 46 CFR 162.050; or

(2) As meeting IMO Resolution A.393(X) by a country that has ratified the MARPOL Protocol.

(c) Each monitor must be installed in accordance with Paragraphs 4, 5, and 6 of Appendix F to this part and be fitted with the control system prescribed by paragraphs 6.1.4.2 through 6.1.4.5.5 of that appendix.

(d) Except as provided in paragraph (e) of this section, this section becomes effective:

(1) For new vessels, on October 2, 1983; and

(2) For existing vessels, on October 2, 1986.

(e) An existing vessel that has dedicated clean ballast tanks to meet the requirements in § 157.10a or § 157.10b must comply with paragraphs (a) and (b) of this section not later than October 2, 1986 or the end of the vessel's first scheduled shipyard visit after October 2, 1983, whichever is earlier.

[CGD 76-088b, 48 FR 45720, Oct. 6, 1983]

§ 157.13 Designated observation area.

Each new vessel must have a designated observation area on the weather deck or above that is:

(a) Located where the effluent from each discharge point and manifold described in § 157.11 can be visually observed; and

(b) Equipped with:

(1) A means to directly stop the discharge of effluent into the sea; or

(2) A positive communication system, such as a telephone or a radio, between the observation area and the discharge control position.

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 76-088b, 48 FR 45720, Oct. 6, 1983]

§ 157.15 Slop tanks in tank vessels.

(a) *Number.* A tank vessel must have the following number of slop tanks that comply with the requirements of this section:

(1) A new vessel of less than 70,000 tons DWT and an existing vessel must have at least one slop tank.

(2) A new vessel of 70,000 tons DWT or more must have at least two slop tanks.

(b) *Capacity.* Slop tanks must have the total capacity to retain slops from tank washings, oil residues, and dirty ballast residues of three percent or more of the oil carrying capacity, except two percent capacity is allowed if there are:

(1) Segregated ballast tanks that meet the requirements in § 157.0b, § 157.10, § 157.10a, or § 157.10b; or

(2) No eductors arrangements that use water in addition to the washing water.

(c) *Design.* A slop tank required in this section:

(1) Must minimize turbulence, entrainment of oil, and the creation of

emulsion by the use of separate inlet and outlet connections; and
(2) May carry bulk oil when not being used as a slop tank.

CGD 74-32, 40 FR 48283, Oct. 14, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 157.15, see the List of FR Sections Affected in the Finding Aids section of this volume.

157.17 Oily residue tank.

(a) A tank vessel of 400 gross tons or more must have a tank that receives and holds oily residue resulting from purification of fuel and lubricating oil and from oil leakages in machinery spaces.

(b) Each oily residue tank required in paragraph (a) of this section must have an adequate capacity that is determined by the:

- (1) Type of machinery installed on the vessel; and
 - (2) Maximum fuel oil capacity.
- (c) Each oily residue tank on a new vessel must be designed to facilitate:
- (1) Cleaning; and
 - (2) Discharging to a reception facility.

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 80-78, 45 FR 43704, June 30, 1980]

§ 157.19 Cargo tank arrangement and size.

(a) This section applies to:

- (1) A U.S. or foreign vessel that is delivered after January 1, 1977;
- (2) A U.S. vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972; and
- (3) A foreign vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1974, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1974.

(b) As determined in accordance with the procedures contained in Appendix A of this part, each cargo tank must be of such size and arrangement that:

- (1) The hypothetical outflow for side damage (O_s) or for bottom damage (O_b) anywhere within the

length of the vessel must not exceed O_A (30,000 cubic meters or $(400) \times (\sqrt{DWT})$ whichever is greater, limited to a maximum of 40,000 cubic meters);

(2) The volume of each wing tank and center tank is less than the allowable volume of a wing tank (VOL_W) and the allowable volume of a center tank (VOL_C) respectively; and

(3) The length of a tank is less than the allowable length of a tank (L_A).

(c) If a cargo transfer system interconnects two or more cargo tanks, the system must have valves to segregate the tanks from each other.

(d) If a line of piping that runs through a cargo tank in a position less than t_s from the vessel's side or less than v_s from the vessel's bottom as defined in Appendix A of this part, has a branch, that branch must have a stop valve:

- (1) Within each cargo tank into which the branch opens; or
- (2) Outside each tank into which the branch opens in a location that is immediately adjacent to the point at which the branch enters the tank.

(e) If piping that serves suction wells is installed within a double bottom, that piping must be:

- (1) Fitted with valves located at the point of connection to the tank served to prevent oil outflow in the event of damage to the piping; and
- (2) Designed to be installed as high from the bottom shell as possible.

ICGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 75-240, 41 FR 54180, Dec. 13, 1976; CGD 76-088b, 48 FR 45720, Oct. 6, 1983]

CROSS REFERENCE: See 33 CFR 151.50 (39 FR 30125) for an interpretative rule concerning tank arrangement and size limitations applicable to seagoing tank barges.

§ 157.21 Subdivision and stability.

A new vessel that is a U.S. vessel must meet the following subdivision and damage stability criteria after assuming side and bottom damages, as defined in Appendix B of this Part. A U.S. vessel that meets the requirements in this section is considered by the Coast Guard as meeting 46 CFR 42.20-5.

- (a) The final waterline, taking into account sinkage, heel, and trim, must

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be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, or any opening that is closed by means of a weathertight door or hatch cover. This opening does not include an opening closed by a:

- (1) Watertight manhole cover;
- (2) Flush scuttle;
- (3) Small watertight cargo tank hatch cover that maintains the high integrity of the deck;
- (4) Remotely operated watertight sliding door; or
- (5) Side scuttle of the non-opening type.

(b) In the final stage of flooding, the angle of heel due to unsymmetrical flooding must not exceed 25 degrees, except that this angle may be increased to 30 degrees if no deck edge immersion occurs.

(c) For acceptable stability in the final stage of flooding, the righting lever curve must have a range of at least 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 meter. For the calculations required in this section, weathertight openings or openings fitted with automatic closures (e.g., a vent fitted with a ball check valve), need not be considered as points of downflooding within the range of residual stability, but other openings must be accounted for in the calculation.

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 75-240, 41 FR 54180, Dec. 13, 1976]

§ 157.23 Cargo and ballast system information.

(a) Each tank vessel to which this part applies must have an instruction manual that describes the automatic and manual operation of the cargo and ballast system in the vessel.

(b) The format and information contained in the instruction manual required in paragraph (a) of this section must be similar to the manual entitled "Clean Seas Guide for Oil Tankers" which can be obtained from the International Chamber of Shipping, 30-32 St. Mary Axe, London, England, EC3A 8ET.

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§ 157.24 Submission of calculations, plans, and specifications.

The owner, builder, or designer of a new vessel shall submit the following to the Coast Guard before that vessel enters the navigable waters of the United States:

(a) Calculations to substantiate compliance with the tank arrangement and size requirements under § 157.10, or a letter from the government of the vessel's flag state that certifies compliance with:

- (1) Section 157.19; or
- (2) Regulations 24 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973.

(b) Except for a new vessel that is a foreign vessel, calculations to substantiate compliance with subdivisions a and b of damage stability requirements under § 157.21.

(c) Calculations to substantiate compliance with the segregated ballast capacity and distribution requirements in § 157.09, § 157.10, § 157.10a, § 157.10b or a letter from the government of the vessel's flag state certifying that the vessel complies with the segregated ballast capacity and distribution requirements in:

- (1) Sections 157.09, 157.10, 157.10a or 157.10b; or
- (2) Regulation 13 and 13E of the MARPOL Protocol.

(d) Plans and specifications for the vessel that include:

- (1) Design characteristics;
- (2) A lines plan;
- (3) Curves of form (hydrostatic curves) or hydrostatic tables;
- (4) A general arrangement plan showing each deck and level;
- (5) Inboard and outboard profile plans showing oiltight and watertight bulkheads;
- (6) A midship section plan;
- (7) A capacity plan showing the capacity and the vertical and longitudinal centers of gravity of each cargo space, tank, and similar space;
- (8) Tank sounding tables or tank capacity tables;
- (9) Draft mark locations;
- (10) Detailed plans of watertight doors; and
- (11) Detailed plans of vents.

[CGD 75-240, 41 FR 54180, Dec. 13, 1976, as amended by CGD 77-058b, 45 FR 43708, June 30, 1980; CGD 79-152, 45 FR 82250, Dec. 15, 1980]

§ 157.24a Submission of calculations, plans, and specifications for existing vessels installing segregated ballast tanks.

(a) Before modifications are made to a U.S. tank vessel to meet § 157.10a(a)(1), § 157.10a(c)(1), § 157.10c(b)(1), or § 157.10c(c)(1), the vessel's owner or operator must submit the following to the Officer in Charge, Marine Inspection, of the zone where the modification will be made or to the appropriate Coast Guard technical office listed in 157.100(b):

(1) A drawing or diagram of the pumping and piping system for the segregated ballast tanks.

(2) A drawing of the segregated ballast tank arrangement.

(3) Documentation, calculations, or revised stability information to show that the vessel, with the addition of the segregated ballast tanks, meets the stability standards for load line assignment in 46 CFR Part 42.

(4) Documentation, calculations, or a revised loading manual to show that the vessel, with the addition of the segregated ballast tanks, meets the structural standards in 46 CFR Part 32.

(5) Plans and calculations to show that the vessel, as modified, complies with the segregated ballast capacity and distribution requirements in § 157.10a.

(b) Before each foreign vessel under § 157.10a(a)(1) or § 157.10a(c)(1) enters the navigable waters of the United States, the owner or operator of that vessel must—

(1) Submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001—

(i) A letter from the authority that assigns the load line to the vessel finding that the location of the segregated ballast tanks is acceptable; and

(ii) Plans and calculations to substantiate compliance with the segregated ballast capacity requirements in § 157.09(b); or

(2) Submit to the Officer in Charge, Marine Inspection, of the zone in which the first U.S. port call is made,

a letter or document from the government of vessel's flag state certifying that the vessel complies with the segregated ballast capacity requirements in § 157.09(b) or Regulation 13 of the MARPOL Protocol.

(c) On January 1, 1986, or 15 years after the date it was delivered to the original owner, or 15 years after the completion of a major conversion, whichever is later, before that vessel enters the navigable waters of the United States, the owner or operator of an existing foreign vessel under § 157.10c(b)(1) or § 157.10c(c)(1) must—

(1) Submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001—

(i) A letter from the authority that assigns the load line to the vessel finding that the location of the segregated ballast tanks is acceptable; and

(ii) Plans and calculations to substantiate compliance with the applicable segregated ballast capacity requirements in § 157.09(b) or § 157.10c(d); or

(2) Submit to the Officer in Charge, Marine Inspection, of the zone in which the first U.S. port call is made a letter from an authorized CS or the government of the vessel's flag state certifying that the vessel complies with the segregated ballast capacity requirements in § 157.09(b) or § 157.10c(d).

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

[CGD 82-28, 50 FR 11628 and 11630, Mar. 22, 1985, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

Subpart C—Vessel Operation

§ 157.25 Exceptions to applicability.

(a) Sections 157.29, 157.31, 157.37(a)(5), 157.37(a)(6) and 157.43 apply to foreign vessels when they discharge into the navigable waters of the United States.

(b) Sections 157.35, 157.37, except paragraphs (a)(5) and (a)(6), 157.39, 157.45, and 157.47 do not apply to foreign vessels.

[CGD 76-088b, 48 FR 45720, Oct. 6, 1983]

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§ 157.26 Operation of a tank vessel in violation of regulations.

No person may cause or authorize the operation of a tank vessel in violation of the regulations in this part.

[CGD 77-053b, 45 FR 43708, June 30, 1980]

§ 157.27 Discharges: Tank vessels carrying oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, and seagoing tank vessels of less than 150 gross tons.

Unless a tank vessel carrying oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, or a seagoing tank vessel of less than 150 gross tons discharges clean ballast or segregated ballast, the vessel must:

- (a) Retain on board any oily mixture; or
- (b) Transfer an oily mixture to a reception facility.

§ 157.28 Discharges from tank barges exempted from certain design requirements.

The person in charge of a tank barge exempted under § 157.08(c) from the requirements in §§ 157.11, 157.13, 157.15, and 157.23 shall ensure that while the barge is proceeding en route:

- (a) Cargo tanks are not ballasted or washed; and
- (b) Oil or oily mixtures are not discharged.

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 76-088b, 48 FR 45721, Oct. 6, 1983]

§ 157.29 Discharges: Seagoing tank vessels of 150 gross tons or more.

Unless a seagoing tank vessel of 150 gross tons or more discharges an oily mixture in compliance with the requirements in § 157.37, § 157.39, or § 157.43, the vessel must:

- (a) Retain the mixture; or
- (b) Transfer the mixture to a reception facility.

§ 157.31 Discharges: Chemical additives.

No person may use a chemical additive to circumvent the discharge requirements in §§ 157.27, 157.29, 157.37, 157.39, and 157.43.

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§ 157.33 Water ballast in oil fuel tanks.

A new vessel may not carry ballast water in an oil fuel tank.

§ 157.35 Ballast added to cargo tanks.

The master of a tank vessel with segregated ballast tanks or dedicated clean ballast tanks under § 157.08, § 157.10, § 157.10a(a)(1), § 157.10a(b), § 157.10a(c), § 157.10b(a), § 157.10c(b)(1), or § 157.10c(c) shall ensure that ballast water is carried in a cargo tank only if—

- (a) The vessel encounters abnormally severe weather conditions;
- (b) More ballast water than can be carried in segregated ballast tanks or dedicated clean ballast tanks is necessary for the safety of the vessel;
- (c) The ballast water is processed and discharged in compliance with § 157.37; and
- (d) On a new vessel under § 157.10 that carries crude oil, the ballast water is only carried in a cargo tank that is crude oil washed in accordance with Subpart D of this part during or after the most recent discharge of crude oil from that tank.

[CGD 77-058b, 45 FR 43708, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.37 Discharge of cargo residue.

(a) A tank vessel may not discharge an oily mixture into the sea from a cargo tank, slop tank, or cargo pump room bilge unless the vessel:

- (1) Is more than 50 nautical miles from the nearest land;
- (2) Is proceeding en route;
- (3) Is discharging at an instantaneous rate of oil content not exceeding 60 liters per nautical mile;
- (4) Is an existing vessel and the total quantity of oil discharged into the sea does not exceed 1/15,000 of the total quantity of the cargo that the discharge formed a part, or is a new vessel and the total quantity of oil discharged into the sea does not exceed 1/30,000 of the total quantity of the cargo that the discharge formed a part;
- (5) Discharges:

- (i) Through the above waterline discharge point described in § 157.11(b)(2);

(ii) In accordance with Paragraph 5 of Appendix E to this part, if the vessel is an existing vessel with a Part Flow System meeting that appendix; or

(iii) Below the waterline in accordance with paragraph (e) of this section;

(6) Has in operation a cargo monitor and control system required by § 157.12 that is designed for use with the oily mixture being discharged, except that the system may be operated manually if:

(i) The automatic system fails during a ballast voyage;

(ii) The failure is recorded in the Oil Record Book;

(iii) The master ensures that the discharge is constantly monitored visually and promptly terminated when oil is detected in the discharge; and

(iv) The system is operated manually only until the ballast voyage is completed; and

(7) Is outside the "Special Areas" defined in Regulation 1 (10) of Annex I to the MARPOL Protocol.

(b) A seagoing tank vessel of 150 gross tons or more that carries asphalt or other products whose physical properties inhibit effective product/water separation and monitoring must transfer all residues and tank washings from such cargoes to a reception facility.

(c) Each cargo monitor must be maintained and operated in accordance with its instructions manual.

(d) All discharge data recorded by a cargo monitor must be retained for at least three years. The data for the most recent year must be retained on board the vessel.

(e) Ballast containing an oily mixture may be discharged below the waterline at sea by gravity if:

(1) The ballast is not from a slop tank;

(2) Examination with an oil-water interface detector shows that oil-water separation has taken place; and

(3) The oil layer is high enough in the tank so that it will not be discharged.

(The information collection requirement contained in paragraph (d) of this section was approved by the Office of Management

and Budget under OMB control number 2115-0518)

(CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 76-088b, 48 FR 45721, Oct. 8, 1983)

§ 157.39 Machinery space bilges.

(a) A tank vessel may discharge an oily mixture from a machinery space bilge that is combined with an oil cargo mixture if the vessel discharges in compliance with § 157.37.

(b) A tank vessel may discharge an oily mixture from a machinery space bilge that is not combined with an oil cargo mixture if the vessel:

(1) Is more than 12 nautical miles from the nearest land;

(2) Is proceeding en route;

(3) Is discharging an effluent with an oil content of less than 100 parts per million; and

(4) Has in operation an oil discharge monitoring and control system approved by the Coast Guard (specification regulation to be proposed) and oil water separating equipment approved by the Coast Guard (specification regulation to be proposed).

§ 157.41 Emergencies.

Sections 157.27, 157.29, 157.37, and 157.39 do not apply to a tank vessel that discharges into the sea oil or oily mixtures:

(a) For the purpose of securing the safety of the vessel or for saving life at sea; or

(b) As a result of damage to the vessel or its equipment if:

(1) Reasonable precautions are taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(2) The owner, master or person in charge did not intend to cause damage, or did not act recklessly and with knowledge that damage of the environment would probably result.

§ 157.43 Discharges of clean and segregated ballast: Seagoing tank vessels of 150 gross tons or more.

(a) Clean ballast may not be discharged overboard unless the discharge is verified as clean ballast through use of an approved cargo monitor or, if discharged before the

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required cargo monitor installation date, by visual examination of the ballast contents immediately before discharge. This paragraph applies to discharges of clean ballast:

(1) From dedicated clean ballast tanks; and

(2) Into the navigable waters of the United States from any other tank.

(b) Segregated ballast may not be discharged overboard unless a visual examination, or a test of the ballast contents with an oil/water interface detector, immediately before the discharge shows that there is no oil mixture in the ballast. Use of a cargo monitor is not required. This paragraph applies to discharges of segregated ballast:

(1) Into the navigable waters of the United States; and

(2) Below the waterline at sea from an existing vessel that does not have an above the waterline discharge point for segregated ballast.

(c) All discharges of clean ballast and segregated ballast must be through an above waterline discharge point described in § 157.11(b)(2), except that:

(1) A vessel may discharge clean ballast and segregated ballast below the waterline when in port or at an offshore terminal.

(2) A vessel may discharge clean ballast and segregated ballast at sea by gravity below the waterline.

(3) An existing vessel that does not have above waterline discharge points for dedicated clean ballast tanks may discharge clean ballast from those tanks below the waterline at sea.

(4) An existing vessel that does not have above waterline discharge points for segregated ballast tanks may discharge segregated ballast below the waterline at sea.

(d) This section applies only to seagoing tank vessels of 150 gross tons or more.

[CGD 76-088b, 46 FR 48721, Oct. 6, 1983; 46 FR 46985, Oct. 17, 1983]

§ 157.46 Valves in cargo or ballast piping system.

When a tank vessel is at sea and the tanks contain oil, valves and closing devices in the cargo or ballast piping system or in the transfer system must

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be kept closed except they may be opened for cargo or ballast transfer to trim the vessel.

§ 157.47 Information for master.

A master or person in charge of a new vessel shall operate the vessel in accordance with the information required in 46 CFR 31.10-30(d) that includes the following:

(a) Stability information.

(b) Damage stability information determined in accordance with the criteria contained in Appendix B of this part.

(c) Loading and distribution of cargo information determined in compliance with the damage stability criteria required in Appendix B of this part.

[CGD 74-32, 40 FR 48283, Oct. 14, 1976, as amended by CGD 75-240, 41 FR 54180, Dec. 13, 1976]

§ 157.49 Instruction manual.

The master of a tank vessel shall ensure that the instruction manual under § 157.23 is available and used when the cargo or ballast systems are operated.

Subpart D—Crude Oil Washing (COW) System on Tank Vessels

SOURCE: CGD 77-058b, 45 FR 43709, June 30, 1980, unless otherwise noted.

GENERAL

§ 157.100 Plans for U.S. tank vessels: Submission.

(a) Before each U.S. tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) is inspected under § 157.140, the owner or operator of that vessel must submit to the Coast Guard plans that include—

(1) A drawing or diagram of the COW pumping and piping system that meets 46 CFR 56.01-10(d);

(2) The design of each COW machine;

(3) The arrangement, location, and installation of the COW machines; and

(4) Except as allowed in § 157.104, the projected direct impingement pattern of crude oil from the nozzles of

COW machines on the surfaces of a tank, showing the surface areas reached by direct impingement.

(b) Plans under paragraph (a) of this section must be submitted to the Officer in Charge, Marine Inspection, of the zone in which the COW system is installed or to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second Street SW., Washington, DC 20593.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11626 and 11630, Mar. 22, 1985; CGD 85-048a, 51 FR 25122, Apr. 24, 1986]

§ 157.102 Plans for foreign tank vessels: Submission.

The owner or operator of a foreign tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2), desires the letter from the Coast Guard under § 157.106 acting the plans submitted under this paragraph, the owner or operator must submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593-0001, plans that include—

(a) A drawing or diagram of the COW pumping and piping system that meets 46 CFR 56.01-10(d);

(b) The design of each COW machine;

(c) The arrangement, location, and installation of the COW machines;

(d) Except as allowed in § 157.104, the projected direct impingement pattern of crude oil from the nozzles of the COW machines on the surfaces of the tank, showing the surface areas reached by direct impingement.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11627 and 11630, Mar. 22, 1985; CGD 88-052, 53 FR 25122, July 1, 1988]

§ 157.104 Scale models.

If the pattern under § 157.100(a)(4) or § 157.102(d) cannot be shown on a scale model of each tank must be built for Coast Guard inspection to simulate, by a pinpoint of light, the

projected direct impingement pattern on the surfaces of the tank.

§ 157.106 Letter of acceptance.

The Coast Guard informs the submitter by letter that the plans submitted under § 157.100 or § 157.102 are accepted if:

(a) The plans submitted show that the COW system meets this subpart; or

(b) The plans submitted and the scale model under § 157.104 show that the COW system meets this subpart.

§ 157.108 Crude Oil Washing Operations and Equipment Manual for U.S. tank vessels: Submission.

Before each U.S. tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) is inspected under § 157.140, the owner or operator of that vessel must submit two copies of a manual that meets § 157.138, to the Officer in Charge, Marine Inspection, of the zone in which the COW system is installed or to the appropriate Coast Guard field technical office listed in § 157.100(b).

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

[CGD 82-28, 50 FR 11627 and 11630, Mar. 22, 1985]

§ 157.110 Crude Oil Washing Operations and Equipment Manual for foreign tank vessels: Submission.

If the owner or operator of a foreign tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) desires a Coast Guard approved *Crude Oil Washing Operations and Equipment Manual* under § 157.112, the owner or operator must submit two copies of a manual that meets § 157.138 to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593-1000.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

[CGD 82-28, 50 FR 11627 and 11630, Mar. 22, 1985, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

§ 157.112

§ 157.112 Approved Crude Oil Washing Operations and Equipment Manual.

If the manuals submitted under § 157.108 or § 157.110 meet § 157.138, the Coast Guard approves the manuals and forwards one of the approved manuals to the submitter.

§ 157.114 Crude Oil Washing Operations and Equipment Manual: Not approved.

If the manuals submitted under § 157.108 or § 157.110 are not approved, the Coast Guard forwards a letter to the submitter with the reasons why the manuals were not approved.

§ 157.116 Required documents: U.S. tank vessels.

The owner, operator, and master of a U.S. tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board the following:

(a) The *Crude Oil Washing Operations and Equipment Manual* that—

(1) Is approved under § 157.112; or

(2) Bears a certification by an authorized CS that the manual contains the information required under § 157.138.

(b) Evidence of acceptance of the tank vessel's COW system consisting of—

(1) A document from an authorized CS that certifies the vessel meets § 157.10c(b)(2) and each amending letter by the authorized CS approving changes in the design, equipment, or installation; or

(2) The letter of acceptance under § 157.106 and each amending letter issued under § 157.158(c).

(c) Evidence that the COW system passed the required inspections by—

(1) A document from an authorized CS that the vessel has passed the inspections under § 157.140; or

(2) The letter of acceptance under § 157.142 after passing the inspection under § 157.140.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

[CGD 82-28, 50 FR 11627 and 11630, Mar. 22, 1985]

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§ 157.118 Required documents: Foreign tank vessels.

(a) The owner, operator, and master of a foreign tank vessel under § 157.10(e) or § 157.10a(a)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

(1) The *Crude Oil Washing Operations and Equipment Manual* that—

(i) Is approved under § 157.112; or

(ii) Meets the manual standards in Resolution 15 of the MARPOL Protocol and bears the approval of the government of the vessel's flag state; and

(2) Either—

(i) A document from the government of the vessel's flag state that certifies that the vessel complies with Resolution 15 of the MARPOL Protocol; or

(ii) The following letters issued by the Coast Guard:

(A) The letter of acceptance issued under § 157.106.

(B) The letter of acceptance issued under § 157.142.

(C) Each amending letter issued under § 157.158(c).

(b) On January 1, 1986, or 15 years after the date it was delivered to the original owner or 15 years after the completion of a major conversion, whichever is later, the owner, operator, and master of a foreign vessel having a COW system under § 157.10c(b)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

(1) The *Crude Oil Washing Operations and Equipment Manual* that—

(i) Is approved under § 157.112; or

(ii) Bears a certification by an authorized CS or the government of the vessel's flag state that the manual contains the information required under § 157.138;

(2) Evidence that the COW system passed the required inspections by—

(i) A document from an authorized CS or the government of the vessel's flag state certifying that the vessel

passed the inspections under § 157.140;

(ii) The letter of acceptance under § 157.142 after passing the inspection under § 157.140; and

(3) Either—

(i) A document from an authorized CS or the government of the vessel's flag state certifying that the vessel complies with the design, equipment and installation standards in §§ 157.122 through 157.136 and any amending letters approving changed COW system characteristics; or

(ii) The letter of acceptance under § 157.106 and any amending letters issued under § 157.158(c).

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

ICGD 82-28, 50 FR 11627 and 11630, Mar. 22, 1985]

§ 157.120 Waiver of required documents.

The Coast Guard waives the requirement for the letter under § 157.116(b), if a U.S. tank vessel engages in a voyage, or under § 157.118(b)(2)(ii), if a foreign tank vessel enters the navigable waters of the United States or transfers cargo at a port or place subject to the jurisdiction of the United States, for the purpose of being inspected under § 157.140.

DESIGN, EQUIPMENT, AND INSTALLATION

§ 157.122 Piping, valves, and fittings.

(a) Except as allowed in paragraph (c) of this section, the piping, valves, and fittings of each COW system must:

(1) Meet 46 CFR Part 56; and

(2) Be of steel or an equivalent material accepted by the Commandant.

(b) The piping of each COW system must be permanently installed.

(c) The piping of each COW system must be separate from other piping systems on the vessel, except that the vessel's cargo piping may be a part of the COW piping if the cargo piping meets this section.

(d) The piping of each COW system must have overpressure relief valves or other means accepted by the Commandant to prevent overpressure in the piping of the COW system, unless the maximum allowable working pressure

of that system is greater than the shut-off head of each pump that meets § 157.126(b).

(e) Each overpressure relief valve must discharge into the suction side of a pump that meets § 157.126(b).

(f) The piping and equipment of a COW system may not be in machinery spaces.

(g) Each hydrant valve for water washing in the piping of a COW system must:

(1) Have adequate strength to meet 46 CFR Part 56 for the working pressure for which the system is designed; and

(2) Be capable of being blanked off.

(h) Each sensing instrument must have an isolating valve at its connection to the piping of the COW system, unless the opening to that connection is 0.055 inches (1.4 millimeters) or smaller.

(i) If the washing system for cargo tanks has a steam heater used when water washing, it must be located outside the engine room and must be capable of being isolated from the piping of the COW system by:

(1) At least two shut-off valves in the inlet piping and at least two shut-off valves in the outlet piping; or

(2) Blank flanges identifiable as being closed (e.g., spectacle flanges).

(j) If the COW system has a common piping system for oil washing and water washing, that piping system must be designed to drain the crude oil into a slop tank or a cargo tank.

(k) The piping of a COW system must be securely attached to the tank vessel's structure with pipe anchors.

(l) When COW machines are used as pipe anchors, there must be other means available for anchoring the piping if these machines are removed.

(m) There must be a means to allow movement of the COW system piping as a result of thermal expansion and flexing of the tank vessel.

(n) The supply piping attached to each deck mounted COW machine and each COW machine that is audio inspected under § 157.155(a)(4)(ii) must have a shut-off valve.

(o) On combination carriers, piping of the COW system installed between each COW machine located in a cargo tank hatch cover and an adjacent loca-

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tion just outside the hatch coaming, may be flexible hose with flanged connections that is acceptable by the Commandant.

§ 157.124 COW tank washing machines.

(a) COW machines must be permanently mounted in each cargo tank.

(b) The COW machines in each tank must have sufficient nozzles with the proper diameter, working pressure, movement, and timing to allow the tank vessel to pass the inspections under § 157.140.

(c) Each COW machine and its supply piping must be supported to withstand vibration and pressure surges.

(d) There must be one portable drive unit available on board the vessel for every three COW machines that use portable drive units during COW operations required by § 157.160 before each ballast voyage.

(e) Except as allowed in paragraph (f) of this section, each cargo tank must have COW machines located to wash all horizontal and vertical areas of the tank by direct impingement, jet deflection, or splashing to allow the tank vessel to pass the inspections under § 157.140. The following areas in each tank must not be shielded from direct impingement by large primary structural members or any other structural member determined to be equivalent to a large primary structural member by the Commandant when reviewing the plans submitted under § 157.100 or § 157.102:

(1) 90 percent or more of the total horizontal area of the:

- (i) Tank bottom;
- (ii) Upper surfaces of large primary structural members; and
- (iii) Upper surfaces of any other structural member determined to be equivalent to a large primary structural member by the Commandant.

(2) 85 percent or more of the total vertical area of the tank sides and swash bulkheads.

(f) Each cargo tank on a vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) with complicated internal structural members does not have to meet paragraph (e) of this section if the following areas of each cargo tank are washed

by direct impingement and the tank vessel can pass the inspections under § 157.140:

(1) 90 percent or more of the total horizontal area of all the:

- (i) Tank bottoms;
- (ii) Upper surfaces of large primary structural members; and
- (iii) Upper surfaces of any other structural member determined to be equivalent to a large primary structural member by the Commandant.

(2) 85 percent or more of the total vertical area of all the tank sides and swash bulkheads.

(g) Each single nozzle COW machine that is mounted to the deck must have a means located outside of the cargo tank that indicates the arc and rotation of the movement of the COW machine during COW operations.

(h) Each multi-nozzle COW machine that is mounted to the deck must have a means located outside of the cargo tank that indicates the movement of the COW machine during COW operations.

(i) Each COW machine mounted to or close to the bottom of a tank without a means located outside of the cargo tank that indicates movement of the machine must not be programmable.

NOTES: 1. In the calculations to meet § 157.124 (e) or (f), areas that are shielded from direct impingement by structural members other than large primary structural members or swash bulkheads can be calculated as areas being washed by direct impingement.

2. One or more types of COW machines could be used to meet § 157.124 (e) or (f).

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11677, Mar. 22, 1985]

§ 157.126 Pumps.

(a) Crude oil must be supplied to the COW machines by COW system pumps or cargo pumps.

(b) The pumps under paragraph (a) of this section must be designed and arranged with sufficient capacity to meet the following:

(1) A sufficient pressure and flow is supplied to allow the simultaneous operation of those COW machines designed to operate simultaneously.

(2) If an eductor is used for tank stripping, enough driving fluid is provided by the pumps to allow the eductor to meet § 157.128(a).

(c) There must be means on the tank vessel to maintain the pressure under paragraph (b) of this section when shore terminal back pressure is less than the pressure under paragraph (b) of this section.

(d) The COW system must have two or more pumps that are capable of supplying oil to the COW machines.

(e) The COW system must be designed to meet the requirements of this subpart with any one pump not operating.

§ 157.128 Stripping system.

(a) Each tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) must have a stripping system that is designed to remove crude oil from—

(1) Each cargo tank at 1.25 times the rate at which all the COW machines that are designed to simultaneously wash the bottom of the tank, are operating; and

(2) The bottom of each tank to allow the tank vessel to pass the inspection under § 157.140(a)(2).

(b) Each cargo tank must be designed to allow the level of crude oil in the tank to be determined by:

(1) Hand dipping at the aftermost portion of the tank and three other locations; or

(2) Any other means accepted by the Commandant.

(c) Each stripping system must have at least one of the following devices for stripping oil from each cargo tank:

(1) A positive displacement pump.

(2) A self-priming centrifugal pump.

(3) An eductor

(4) Any other device accepted by the Commandant.

(d) There must be a means in the stripping system piping between the device under paragraph (c) of this section and each cargo tank to isolate each tank from the device.

(e) If the stripping system has a positive displacement pump or a self-priming centrifugal pump, the stripping system must have the following:

(1) In the stripping system piping:

(i) A pressure gauge at the inlet connection to the pump; and

(ii) A pressure gauge at the discharge connection to the pump.

(2) At least one of the following monitoring devices to indicate operation of the pump.

(i) Flow indicator.

(ii) Stroke counter.

(iii) Revolution counter.

(f) If the stripping system has an eductor, the stripping system must have:

(1) A pressure gauge at each driving fluid intake and at each discharge; and

(2) A pressure/vacuum gauge at each suction intake.

(g) The equipment required under paragraphs (e) and (f) of this section must have indicating devices in the cargo control room or another location that is accepted by the Commandant.

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11627, Mar. 22, 1985]

§ 157.130 Crude oil washing with more than one grade of crude oil.

If a tank vessel having a COW system under §§ 157.10(e), 157.10a(a)(2), or 157.10c(b)(2) carries more than one grade of crude oil, the COW system must be capable of washing the cargo tanks with the grades of crude oil that the vessel carries.

[CGD 82-28, 50 FR 11627, Mar. 22, 1985]

§ 157.132 Cargo tanks: Hydrocarbon vapor emissions.

Each tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) without sufficient segregated ballast tanks or dedicated clean ballast tanks to allow the vessel to depart from any port in the United States without ballasting cargo tanks must have—

(a) A means to discharge hydrocarbon vapors from each cargo tank that is ballasted to a cargo tank that is discharging crude oil; or

(b) Any other means accepted by the Commandant that prevents hydrocarbon vapor emissions when the cargo tanks are ballasted in port.

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[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.134 Cargo tank drainage.

Each cargo tank must be designed for longitudinal and transverse drainage of crude oil to allow the tank vessel to pass the inspections under § 157.140.

§ 157.136 Two-way voice communications.

Each tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) must have a means that enables two-way voice communications between the main deck watch required under § 157.168 and each cargo discharge control station.

[CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.138 Crude Oil Washing Operations and Equipment Manual.

(a) Each *Crude Oil Washing Operations and Equipment Manual* must include the following information:

(1) The text of the Annex of Resolution 15 of the MARPOL Protocol.

(2) A line drawing of the tank vessel's COW system showing the locations of pumps, piping, and COW machines.

(3) A description of the COW system.

(4) The procedure for the inspection of the COW system during COW operations.

(5) Design characteristic information of the COW system that includes the following:

(i) Pressure and flow of the crude oil pumped to the COW machines.

(ii) Revolutions, number of cycles, and length of cycles of each COW machine.

(iii) Pressure and flow of the stripping suction device.

(iv) Number and location of COW machines operating simultaneously in each cargo tank.

(6) The design oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank.

(7) The results of the inspections recorded when passing the inspections under § 157.140.

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(8) Characteristics of the COW system recorded during the COW operations when passing the inspections under § 157.140 that includes the following:

(i) Pressure and flow of the crude oil pumped to the COW machines.

(ii) Revolutions, number of cycles, and length of cycles of each COW machine.

(iii) Pressure and flow of the stripping device.

(iv) Number and location of COW machines operating simultaneously in each cargo tank.

(9) The oxygen content of the gas or mixture of gases that is supplied by the inert gas system to each cargo tank recorded during COW operations when passing the inspections under § 157.140.

(10) The volume of water used for water rinsing recorded during COW operations when passing the inspections under § 157.140.

(11) The trim conditions of the tank vessel recorded during COW operations when passing the inspections under § 157.140.

(12) The procedure for stripping cargo tanks of crude oil.

(13) The procedure for draining and stripping the pumps and piping of the COW system, cargo system, and stripping system after each crude oil cargo discharge.

(14) The procedure for crude oil washing cargo tanks that includes the following:

(i) The tanks to be crude oil washed to meet § 157.160.

(ii) The order in which those tanks are washed.

(iii) The single-stage or multi-stage method of washing each tank.

(iv) The number of COW machines that operate simultaneously in each tank.

(v) The duration of the crude oil wash and water rinse.

(vi) The volume of water to be used for water rinse in each tank.

(15) The procedures and equipment needed to prevent leakage of crude oil from the COW system.

(16) The procedures and equipment needed if leakage of crude oil from the COW system occurs.

(17) The procedures for testing and inspecting the COW system for leakage of crude oil before operating the system.

(18) The procedures and equipment needed to prevent leakage of crude oil from the steam heater under § 157.122(i) to the engine room.

(19) The number of crew members needed to conduct the following:

(i) The discharge of cargo.

(ii) The crude oil washing of cargo tanks.

(iii) The simultaneous operations in paragraphs (a)(19) (i) and (ii) of this section.

(20) A description of the duties of each crew member under paragraph (a)(19) of this section.

(21) The procedures for ballasting and deballasting cargo tanks.

(22) The step by step procedure for the inspection of the COW system by vessel personnel before COW operations begin that includes the procedure for inspecting and calibrating each instrument. (Operational Checklist)

(23) The intervals for on board inspection and maintenance of the COW equipment. Informational references to technical manuals supplied by the manufacturers may be included in this part of the manual.

(24) A list of crude oils that are not to be used in COW operations.

(25) The procedure to meet § 157.155(a)(4).

(b) In addition to meeting paragraph (a) of this section, each *Crude Oil Washing Operations and Equipment Manual* on a tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) must include the following:

(1) The procedure to meet § 157.166.

(2) The procedures to meet § 157.155(b).

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

INSPECTIONS

§ 157.140 Tank vessel inspections.

(a) Before issuing a letter under § 157.142, the Coast Guard makes an initial inspection of each U.S. tank vessel having a COW system under

§ 157.10(e), § 157.10(a)(2), or § 157.10c(b)(2) and each foreign tank vessel whose owner or operator submitted the plans under § 157.102 to determine whether or not, when entering a port, the cargo tanks that carry crude oil meet the following:

(1) After each tank is crude oil washed but not water rinsed, except the bottom of the tank may be flushed with water and stripped, each tank is essentially free of oil clingage or deposits of oil, or both to a degree acceptable to the Coast Guard inspector.

(2) After the tanks that are to be used as ballast tanks when leaving the port are crude oil washed and stripped but not water rinsed or bottom flushed, they are filled with water and the total volume of crude oil floating on top of the water in these tanks is 0.085 percent or less of the total volume of these tanks.

(b) Except on a tank vessel under § 157.10(e), if the initial inspection under paragraph (a) of this section has been passed and the vessel arrives at the first cargo loading port after completing a ballast voyage, the Coast Guard monitors the discharge of effluent from those tanks that have been crude oil washed, water rinsed, stripped, and filled with ballast water to determine whether or not the oil content of the effluent is 15 ppm or less.

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.142 Letter of acceptance: Inspections.

If the inspections under § 157.140 are passed, the Coast Guard issues to the tank vessel a letter that states that the vessel complies with this subpart.

§ 157.144 Tank vessels of the same class: Inspections.

(a) If more than one tank vessel is constructed from the same plans, the owner or operator may submit a written request to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001, for only one of those tank vessels to be inspected under § 157.140.

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(b) Only one tank vessel of the class is inspected under § 157.140, if the Commandant accepts the request submitted under paragraph (a) of this section.

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11630, Mar. 22, 1985; CGD 88-052, 53 FR 25122, July 1, 1988]

§ 157.146 Similar tank design: Inspections on U.S. tank vessels.

(a) If a U.S. tank vessel has tanks similar in dimensions and internal structure, the owner or operator may submit a written request to the Officer in Charge, Marine Inspection, of the zone in which the COW system is inspected, for only one of those tanks to be inspected under § 157.140(a)(1).

(b) Only one tank of a group of tanks similar in dimensions and internal structure is inspected under § 157.140(a)(1), if the Officer in Charge, Marine Inspection, accepts the request submitted under paragraph (a) of this section.

§ 157.147 Similar tank design: Inspections on foreign tank vessels.

(a) If a foreign tank vessel has tanks similar in dimensions and internal structure, the owner or operator may submit a written request to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001, for only one of those tanks to be inspected under § 157.140(a)(1).

(b) Only one tank of a group of tanks similar in dimensions and internal structure is inspected under § 157.140(a)(1), if the Commandant accepts the request submitted under paragraph (a) of this section.

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11630, Mar. 22, 1985; CGD 88-052, 53 FR 25122, July 1, 1988]

§ 157.148 COW system: Evidence for inspections.

(a) Before the inspections under § 157.140 are conducted by the Coast Guard, the owner or operator of a foreign tank vessel that is to be inspected must submit to the Coast Guard inspector evidence that the COW system has been installed in accordance with the plans accepted under § 157.106.

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(b) Before the inspections under § 157.140 are conducted by the Coast Guard, the owner or operator of a tank vessel that is to be inspected must submit to the Coast Guard inspector evidence that the COW piping system has passed a test of $1\frac{1}{2}$ times the design working pressure.

§ 157.150 Crude Oil Washing Operations and Equipment Manual: Recording information after inspections.

After passing the inspections under § 157.140, the owner, operator, and master shall ensure that the following are recorded in the *Crude Oil Washing Operations and Equipment Manual* approved under § 157.112:

(a) The results of the inspections under § 157.140.

(b) The following characteristics used to pass the inspections under § 157.140:

(1) Pressure and flow of the crude oil pumped to the COW machines.

(2) Revolutions, number of cycles, and length of cycles of each COW machine.

(3) Pressure and flow of the stripping suction device.

(4) Number and location of COW machines operating simultaneously in each cargo tank.

(5) Volume of water used for water rinsing.

(6) Trim conditions of the tank vessel.

PERSONNEL

§ 157.152 Person in charge of COW operations.

The owner, operator, and master of a tank vessel having a COW system under § 157.10(e), § 157.10(a)(2), or § 157.10(c)(2) shall ensure that the person designated as the person in charge of COW operations—

(a) Knows the contents in the *Crude Oil Washing Operations and Equipment Manual* approved by the Coast Guard under § 157.112 or by the government of the vessel's flag state;

(b) On at least two occasions, has participated in crude oil washing of cargo tanks, one of those occasions occurring on:

(1) The tank vessel on which the person assumes duties as the person in charge of COW operations; or

(2) A tank vessel that is similar in tank design and which has COW equipment similar to that used on the tank vessel on which the person assumes duties as the person in charge of COW operations; and

(c) Has one year or more of tank vessel duty that includes oil cargo discharge operations and:

(1) Crude oil washing of cargo tanks; or

(2) Has completed a training program in crude oil washing operations that is approved by the Coast Guard or the government of the vessel's flag state.

NOTE: Standards of a Coast Guard approved training program are to be developed.

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.154 Assistant personnel.

The owner, operator, and master of a tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure that each member of the crew that has a designated responsibility during COW operations—

(a) Has six months or more of tank vessel duty that includes oil cargo discharge operations;

(b) Has been instructed in the COW operation of the tank vessel; and

(c) Is familiar with the contents of the *Crude Oil Washing Operations and Equipment Manual* approved by the Coast Guard under § 157.112 or by the government of the vessel's flag state.

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

COW OPERATIONS

§ 157.155 COW operations: General.

(a) The master of a tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure that—

(1) Before crude oil washing a cargo tank, the level in each tank with crude oil that is used as a source for crude

oil washing is lowered at least one meter;

(2) A tank used as a slop tank is not used as a source for crude oil washing until:

(i) Its contents are discharged ashore or to another tank; and

(ii) The tank contains only crude oil;

(3) During COW operations:

(i) The valves under § 157.122(i)(1) are shut; or

(ii) The blanks under § 157.122(i)(2) are installed;

(4) The rotation of each COW machine mounted to or close to the bottom of each cargo tank is verified by:

(i) A visual inspection of a means located outside of the cargo tank that indicates movement of the machine during COW operations;

(ii) An audio inspection during COW operations; or

(iii) An inspection on a ballast voyage, with water as the fluid flowing through the machine;

(5) During the audio inspection under paragraph (a)(4)(ii) of this section, the COW machine being inspected is the only one operating in that tank;

(6) Before the inspection under paragraph (a)(4)(iii) of this section, the tank that has the COW machine being inspected in it, is gas freed;

(7) Each COW machine that is inspected under paragraph (a)(4)(iii) of this section is inspected at least once after every sixth COW operation of that machine, but no less than once every 12 months;

(8) After each stripping operation is completed, each tank:

(i) Is sounded by a means under § 157.128(b); and

(ii) Contains no oil except a minimal quantity near the stripping suction;

(9) Before the tank vessel begins each ballast voyage, each cargo tank and each cargo main, stripping, and COW piping is stripped of crude oil and the strippings are conveyed ashore through the piping under §§ 157.11(d)(3) or 157.11(e)(4);

(10) Before water washing the cargo tanks, the piping of the COW system is drained of crude oil;

(11) When the cargo tanks are not being water washed, the hydrant

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valves under § 157.122(g) are blanked off;

(12) If COW machines that are used as anchors for the piping of the COW system are removed, the means available under § 157.122(1) for anchoring the piping are installed;

(13) The fire main is not connected to the COW system; and

(14) On combination carriers, if flexible hoses under § 157.122(o) are used, those hoses are protectively stowed when not installed in the COW piping system.

(b) In addition to meeting paragraph (a) of this section, the master of a tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) shall ensure that—

(1) Before ballasting cargo tanks upon leaving a port, each cargo pump, manifold, and piping that is used for ballasting the cargo tanks is drained of all crude oil; and

(2) Before ballasting or deballasting cargo tanks, except when ballasting cargo tanks to leave a port, the cargo piping that is used for ballasting or deballasting the cargo tanks is water washed.

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.156 COW operations: Meeting manual requirements.

Except as allowed in § 157.158, the master of a foreign tank vessel having a COW system under §§ 157.10(e), 157.10a(a)(2), or 157.10c(b)(2) that has the *Crude Oil Washing Operations and Equipment Manual* approved under § 157.112 and is operating in the navigable waters of the United States or transferring cargo at a port or place subject to the jurisdiction of the United States and the master of a U.S. tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure that during each COW operation—

(a) The procedures listed in the *Crude Oil Washing Operations and Equipment Manual* are followed; and

(b) The characteristics recorded in the *Crude Oil Washing Operations and Equipment Manual* under § 157.150(b) are met.

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[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.158 COW operations: Changed characteristics.

The COW system may be operated with characteristics that do not meet those recorded under § 157.150(b) only if:

(a) The tank vessel passes the inspections under § 157.140 using the changed characteristics;

(b) The changed characteristics used to pass the inspections under § 157.140 are recorded in the *Crude Oil Washing Operations and Equipment Manual* approved under § 157.112; and

(c) The Coast Guard issues to the tank vessel an amending letter stating that the tank vessel complies with this subpart with these characteristics.

§ 157.160 Tanks: Ballasting and crude oil washing.

(a) The owner, operator, and master of a tank vessel under § 157.10(e) shall ensure that:

(1) Ballast water is carried in a cargo tank only as allowed under § 157.35;

(2) For sludge control, at least 25 percent of the cargo tanks are crude oil washed before each ballast voyage and that each cargo tank is crude oil washed at least once every fourth time crude oil is discharged from the tank, but no tank need be crude oil washed more than once during each 120 day period;

(3) Ballast water in a cargo tank that is crude oil washed but not water rinsed during or after the most recent discharge of crude oil from that tank is discharged in accordance with § 157.37(a); and

(4) Cargo tanks are not crude oil washed during a ballast voyage.

(b) The owner, operator, and master of a tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) shall ensure that—

(1) Ballast water is carried only in a cargo tank that is crude oil washed during or after the most recent discharge of crude oil from that tank;

(2) Before each ballast voyage a sufficient number of cargo tanks have been crude oil washed during or after the most recent discharge of crude oil

from those tanks to allow ballast water to be carried in cargo tanks:

(i) With a total capacity to meet the draft and trim requirements in § 157.10a(d); and

(ii) For the vessel's trading pattern and expected weather conditions;

(3) For sludge control, at least 25 percent of the cargo tanks not used for carrying ballast water under paragraph (b)(2)(i) of this section are crude oil washed before each ballast voyage, and that each cargo tank is crude oil washed at least once every fourth time crude oil is discharged from the tank, but no tank need be crude oil washed more than once during each 120 day period;

(4) Cargo tanks are not crude oil washed during a ballast voyage; and

(5) Ballast water in a cargo tank that is crude oil washed but not water rinsed during or after the most recent discharge of crude oil from that tank is discharged in accordance with § 157.37(a).

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.162 Crude oil washing during a voyage.

The master of a tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure that each cargo tank that is crude oil washed during a voyage other than a ballast voyage—

(a) Remains empty so that the tank may be inspected upon arrival at the next discharge port; and

(b) If it is to be used as a ballast tank when leaving the discharge port, is ballasted before the vessel departs from that discharge port so that the tank may be inspected under § 157.140(a)(2).

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.164 Use of inert gas system.

(a) The master of a tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure the following:

(1) Before each cargo tank is crude oil washed, the oxygen content in the

tank is measured at each of the following locations in the tank:

(i) One meter from the deck.

(ii) In the center of the ullage space.

(2) Before each cargo tank with partial bulkheads is crude oil washed, each area of that tank formed by each partial bulkhead is measured in accordance with paragraph (a)(1) of this section.

(3) Before each cargo tank is crude oil washed, the oxygen content in that tank is 8 percent or less by volume at the locations under paragraph (a)(1) of this section.

(4) During COW operations, the following are maintained in each cargo tank being crude oil washed:

(i) A gas or a mixture of gases with an oxygen content of 8 percent or less by volume.

(ii) A positive atmospheric pressure.

(5) During COW operations, a crew member monitors the instrumentation under 46 CFR 32.53-60(a)(1), except if that instrumentation has an alarm that sounds in the cargo control room when the oxygen content exceeds 8 percent by volume.

(b) Crude oil washing of the cargo tanks must be terminated when paragraph (a)(4) of this section is not met and crude oil washing of that tank may not be resumed until the requirements of paragraph (a)(4) of this section are met.

[CGD 77-058b, 45 FR 43709, June 30, 1980, as amended by CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.166 Hydrocarbon emissions.

If the tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) transfers cargo at a port in the United States that is in an area designated in 40 CFR Part 81 as an area that does not meet the national primary ambient air quality ozone standard under 40 CFR Part 50, issued under the Clean Air Act, as amended (42 U.S.C. 1857), the master of the vessel shall ensure that when cargo tanks are ballasted in that port the hydrocarbon vapors in each tank are contained by a means under § 157.132.

NOTE: Questions relating to whether or not a particular port is located in an area designated in 40 CFR Part 81 as an area

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that does not meet the national primary ambient air quality standard under 40 CFR Part 50 should be directed to the Plans Analysis Section of the Environmental Protection Agency at (919) 541-5665.

[CGD 82-28, 50 FR 11628, Mar. 22, 1985]

§ 157.168 Crew member: Main deck watch.

During COW operations, the master shall ensure that at least one member of the crew with a designated responsibility for monitoring COW operations is on the main deck at all times.

§ 157.170 COW equipment: Removal.

(a) Whenever a deck mounted COW machine is removed from the tank, the master shall ensure that:

(1) The supply piping to that machine is blanked off; and

(2) The tank opening is sealed by a secured plate made of steel or an equivalent material accepted by the Commandant.

(b) If the equipment for the COW system is removed from a cargo tank for the carriage of cargoes other than crude oil and then reinstalled, the master shall ensure that, before COW operations are conducted, the system has no crude oil leakage.

§ 157.172 Limitations on grades of crude oil carried.

If a tank vessel having a COW system meeting § 157.10a(a)(2) or § 157.10c(b)(2) does not have segregated ballast tanks or dedicated clean ballast tanks that meet § 157.10c(c)(2), the owner, operator, and master shall ensure that the vessel carries only the grades of crude oil that can be used for crude oil washing.

[CGD 82-28, 50 FR 11628, Mar. 22, 1985]

Subpart E—Dedicated Clean Ballast Tanks on Tank Vessels

SOURCE: CGD 77-058b, 45 FR 43714, June 30, 1980, unless otherwise noted.

GENERAL

§ 157.200 Plans for U.S. tank vessels: Submission.

(a) Before modifications are made to a U.S. vessel to meet § 157.10a(b), § 157.10b(a)(2), § 157.10a(c)(2), or § 157.10c(c)(2), the owner or operator

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must submit to the Coast Guard plans or documents that include the following:

(1) The dedicated clean ballast tank arrangement.

(2) Documentation, calculations, or revised stability information to show that the vessel, with the addition of the dedicated clean ballast tanks, meets the stability standards for load line assignment in 46 CFR Part 42.

(3) Documentation, calculations, or a loading manual to show that the vessel, with the addition of the dedicated clean ballast tanks, meets the structural standards in 46 CFR Part 32.

(4) A drawing or diagram of the pumping and piping system for the dedicated clean ballast tanks.

(b) Plans under paragraph (a) of this section must be submitted to the Officer in Charge, Marine Inspection, of the zone in which the dedicated clean ballast tank system is installed or to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second St., SW., Washington, DC 20593.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

[CGD 77-058b, 45 FR 43714, June 30, 1980, as amended by CGD 79-152, 45 FR 82250, Dec. 15, 1980; CGD 82-28, 50 FR 11628, and 11630, Mar. 22, 1985; CGD 85-048a, 51 FR 15481, Apr. 24, 1986]

§ 157.202 Plans and documents for foreign tank vessels: Submission.

The owner or operator of a foreign tank vessel under § 150.10a(b), § 157.10a(c)(2), or § 157.10b(a)(2) who desires the letter from the Coast Guard under § 157.204 accepting the plans submitted under this paragraph, and the owner or operator of a foreign tank vessel under § 150.10c(c)(2) must submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001—

(a) Plans that include:

(1) The dedicated clean ballast tank arrangement; and

(2) A drawing or diagram of the pumping and piping system for the dedicated clean ballast tanks; and

(b) Documentation from the authority that assigned the load line to the tank vessel that states that the location of the dedicated clean ballast tanks is acceptable to that authority.

[CGD 77-058b, 45 FR 43714, June 30, 1980, as amended by CGD 82-28, 50 FR 11629, Mar. 22, 1985; CGD 88-052, 53 FR 25122, July 1, 1988]

§ 157.204 Letter of acceptance.

The Coast Guard informs the submitter by letter that the plans submitted under § 157.200 or the plans and documents submitted under § 157.202 are accepted, if the plans submitted under § 157.200 or the plans and documents submitted under § 157.202 show that the dedicated clean ballast tank system meets this subpart.

§ 157.206 Dedicated Clean Ballast Tanks Operations Manual for U.S. tank vessels: Submission.

The owner or operator of a U.S. tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) must submit two copies of a manual that meets § 157.224 to the Officer in Charge, Marine Inspection, of the zone in which the dedicated clean ballast tank system is installed or to the appropriate Coast Guard field technical office listed in § 157.200(b).

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

[CGD 82-28, 50 FR 11629, and 11630, Mar. 22, 1985]

§ 157.208 Dedicated Clean Ballast Tanks Operations Manual for foreign tank vessels: Submission.

If the owner or operator of a foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) desires a Coast Guard approved *Dedicated Clean Ballast Tanks Operations Manual* under § 157.210, the owner or operator must submit two copies of a manual that meets § 157.224 to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

[CGD 82-28, 50 FR 11629, and 11630, Mar. 22, 1985, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

§ 157.210 Approved Dedicated Clean Ballast Tanks Operations Manual.

If the manuals submitted under § 157.206 or § 157.208 meet § 157.224, the Coast Guard approves the manuals and forwards one of the approved manuals to the submitter.

§ 157.212 Dedicated Clean Ballast Tanks Operations Manual: Not approved.

If the *Dedicated Clean Ballast Tanks Operations Manual* submitted under § 157.206 or § 157.208 is not approved, the Coast Guard forwards a letter to the submitter with the reasons why the manual was not approved.

§ 157.214 Required documents: U.S. tank vessels.

The owner, operator, and master of a U.S. tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board—

(a) The letter under § 157.204 accepting the dedicated clean ballast tank system plans;

(b) The Coast Guard approved *Dedicated Clean Ballast Tanks Operations Manual* under § 157.210; and

(c) Any amending letters issued under § 157.218 approving alterations.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

[CGD 77-058b, 45 FR 43714, June 30, 1980, as amended by CGD 82-28, 50 FR 11629, and 11630, Mar. 22, 1985]

§ 157.216 Required documents: Foreign tank vessels.

(a) The owner, operator, and master of a foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

(1) The *Dedicated Clean Ballast Tank Operations Manual* that—

- (i) Is approved under § 157.210; or
- (ii) Is certified by the government of the vessel's flag state because it meets the manual standards in Resolution 14 of the MARPOL Protocol; and

(2) Either of the following:

- (i) A letter from the government of the vessel's flag state that certifies that the vessel complies with Resolution 14 of the MARPOL Protocol.
- (ii) The letter of acceptance under § 157.204 and each amending letter issued under § 157.218(c).

(b) On January 1, 1986, or 15 years after the date it was delivered to the original owner or 15 years after the completion of a major conversion, whichever is later, the owner, operator, and master of a foreign tank vessel under § 157.10c(c)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

- (1) The *Dedicated Clean Ballast Tank Operations Manual* that—
- (i) Is approved under § 157.210; or
- (ii) Bears a certification by an authorized CS or the government of the vessel's flag state that the manual meets § 157.224; and

(2) Either of the following:

- (i) A letter from an authorized CS or the government of the vessel's flag state certifying the vessel complies with §§ 157.220 and 157.222, and any amending letters issued approving alterations.
- (ii) The letter of acceptance under § 157.204 and each amending letter issued under § 157.218.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115-0520)

(CGD 82-28, 50 FR 11629, and 11630, Mar. 22, 1985)

§ 157.218 *Dedicated clean ballast tanks: Alterations.*

The dedicated clean ballast tanks or equipment on a tank vessel that has a letter issued under § 157.204 may not be altered so that they no longer meet the plans accepted under that section unless:

- (a) The owner or operator of that vessel submits plans that show the alterations to the Coast Guard official to which the plans were submitted under § 157.200 or § 157.202;
- (b) The owner or operator of that vessel submits changes to the manual under § 157.224 that show and describe the alterations to the Coast Guard official to which the manuals were submitted under § 157.206 or § 157.208; and
- (c) The Coast Guard issues to the tank vessel an amending letter stating that the vessel, as altered, complies with this subpart.

(CGD 77-058b, 45 FR 43714, June 30, 1980, as amended by CGD 79-152, 45 FR 82294, Dec. 15, 1980)

§ 157.220 *Dedicated clean ballast tanks: Standards.*

(a) Cargo tanks that are designated as dedicated clean ballast tanks must allow the tank vessel to meet the draft and trim requirements under §§ 157.10a(d) and 157.10b(b).

- (b) Each tank under paragraph (a) of this section must be:
- (1) A wing tank; or
- (2) Any other tank that is accepted by the Commandant.

(CGD 77-058b, 45 FR 43714, June 30, 1980, as amended by CGD 79-152, 45 FR 82294, Dec. 15, 1980)

§ 157.222 *Pump and piping arrangements.*

(a) Dedicated clean ballast tanks must be connected to the least practicable:

- (1) Number of pumps; and
- (2) Amount of piping.

(b) Each piping system that is arranged to convey clean ballast and cargo must be designed to be flushed to the slop tank with water.

- (c) The piping system of each dedicated clean ballast tank must be arranged so that oily water does not enter any dedicated clean ballast tank when the piping system is flushed.
- (d) The piping system of each dedicated clean ballast tank must have at least two valves that isolate that tank from each cargo tank.
- (e) The piping system of the dedicated clean ballast tanks must have a sample point that is located in a vertical section of discharge piping.

NOTE: An example of a sample point is shown in 46 CFR Figure 162.050-17(e).

§ 157.224 Dedicated Clean Ballast Tanks Operations Manual.

Each *Dedicated Clean Ballast Tanks Operations Manual* must include the following information:

- (a) The text of the Annex of Resolution 14 of the MARPOL Protocol.
- (b) A description of the dedicated clean ballast tanks system.
- (c) A procedure for dedicated clean ballast tanks operations.

NOTE: Appendix D is an example of such a procedure.

DEDICATED CLEAN BALLAST TANKS OPERATIONS

§ 157.225 Dedicated clean ballast tanks operations: General.

The master of a tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that—

(a) Before clean ballast in any dedicated clean ballast tank is discharged or transferred, the pump and piping system for conveying the clean ballast are flushed with water;

(b) Before any dedicated clean ballast tank is ballasted, the pump and piping system for conveying the ballast are flushed with water;

(c) Before the pump and piping system of the dedicated clean ballast tanks are used for cargo transfer:

(1) If water in the dedicated clean ballast tanks is used for flushing the pump and piping system, the volume of water for flushing is equal to at least 10 times the volume of the piping to be flushed;

(2) The piping system is drained of fluid; and

(3) The valves under § 157.222(d) are closed;

(d) Flushing water is pumped from a sea chest or a dedicated clean ballast tank through the pump and piping system of the dedicated clean ballast tanks and then to a slop tank;

(e) Clean ballast from each dedicated clean ballast tank is discharged in accordance with § 157.43;

(f) When the pump and piping system are being flushed:

(1) The oil content of the flushing water in the piping system is monitored; and

(2) The pump and piping system are flushed until the oil content of the flushing water in the piping stabilizes; and

(g) If any pump or piping system that is flushed to meet paragraph (f) of this section is used to convey cargo during an emergency, that pump or piping system is flushed again to meet paragraph (f) of this section before being used to convey clean ballast.

[CGD 77-058b, 45 FR 43714, June 30, 1980, as amended by CGD 82-28, 50 FR 11629, Mar. 22, 1985]

§ 157.226 Dedicated Clean Ballast Tanks Operations Manual: Procedures to be followed.

The master of a foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) that has the *Dedicated Clean Ballast Tanks Operations Manual* approved under § 157.210 and is operating in the navigable waters of the United States or transferring cargo at a port or place subject to the jurisdiction of the United States and the master of a U.S. tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a), or § 157.10c(c)(1) shall ensure that the procedure listed in the *Dedicated Clean Ballast Tanks Operations Manual* are followed.

[CGD 82-28, 50 FR 11629, Mar. 22, 1985]

§ 157.228 Isolating Valves: Closed during a voyage.

(a) The master of each U.S. tank vessel under § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the valves under § 157.222(d) remain closed during each voyage.

(b) The master of each foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the valves under § 157.222(d) remain closed when the vessel is on a voyage in the navigable waters of the United States.

[CGD 82-28, 50 FR 11629, Mar. 22, 1985]

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Subpart F—Exemption From § 157.10a or § 157.10c

SOURCE: CGD 79-126, 46 FR 3513, Jan. 15, 1981, unless otherwise noted.

§ 157.300 Qualifications for exemptions under this part.

(a) Each vessel under § 157.10a or § 157.10c of this part may qualify for an exemption from the requirements of § 157.10a or § 157.10c of this part if—

(1) The vessel loads and discharges cargo only at ports or places within the United States, its territories, or its possessions; and

(2) The application for exemption meets § 157.302.

(b) Except where the owner can show good cause, a vessel is not granted an exemption under this subpart if a previous exemption for the vessel has been revoked by the Coast Guard under § 157.308(a)(1) or § 157.308(a)(2).

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by CGD 82-28, 50 FR 11630, Mar. 22, 1985]

§ 157.302 Applying for an exemption or requesting modification of an exemption.

(a) Each application for an exemption or modification must be in writing and submitted to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001.

(b) Each application for exemption must include the following: (1) The name and official number of the vessel for which the exemption is requested.

(2) A list of each port or place where the vessel would load cargo.

(3) The name, address, and telephone number for each shore-based reception facility at each port listed under paragraph (b)(2) of this section where the vessel would discharge its ballast water and cargo residues, including:

(i) The name or title of the person at each facility who should be contacted for information concerning the operation of the reception facility; and

(ii) A statement from the facility owner disclosing whether or not, based on current operating conditions, the facility has the capability of process-

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ing the anticipated volume and type of discharges from the vessel without adversely affecting the service of the facility to current users.

(4) The number of the permit under the National Pollutant Discharge Elimination System (NPDES permit) issued to each listed shore-based reception facility.

(5) A list of each type of oil cargo that the vessel would load.

(6) A description of the method by which the vessel would discharge ballast water and cargo residues to each listed shore based reception facility.

(c) Each request for modification to an exemption must include the following:

(1) The name and official number of the vessel for which the modification to the exemption is requested.

(2) The reason for requesting modification of the exemption.

(3) Any additional information which is pertinent to the modification.

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by CGD 82-28, 50 FR 11630, Mar. 22, 1985; CGD 88-052, 53 FR 25122, July 1, 1988]

§ 157.304 Shore-based reception facility standards.

No shore-based reception facility may be listed to meet § 157.302(b)(3) unless that reception facility has:

(a) A valid NPDES permit which allows it to process the ballast water and cargo residues of the vessel for which the exemption is being requested; and

(b) The capacity to receive and store a volume of dirty ballast water equivalent to 30 percent of the deadweight, less the segregated ballast volume, of the vessel for which the exemption is being requested.

§ 157.306 Granting, denying, or modifying an exemption.

(a) The Chief, Office of Marine Safety, Security and Environmental Protection issues a written decision concerning the grant or denial of each exemption or modification requested under § 157.302.

(b) If the exemption or request for modification is denied, the decision

under paragraph (a) of this section includes the reasons for the denial.

(c) Any person directly affected by, and not satisfied with, a decision made under paragraph (a) of this section may appeal that decision, in writing, to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593-0001. The appeal may contain any supporting documentation or evidence that the appellant wishes to have considered.

(d) The Commandant, U.S. Coast Guard issues a ruling after reviewing the appeal submitted under paragraph (c) of this section. This ruling is final agency action.

[CGD 79-126,46 FR 3513, Jan. 15, 1981, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

§ 157.308 Revocation of exemption: procedure and appeals.

(a) The Officer in Charge, Marine Inspection may consider the revocation of the exemption granted under this subpart when:

(1) Requested by the vessel's owner;
(2) There is evidence that the vessel's owner, operator, or master has failed to comply with the requirements of this subpart; or

(3) There have been changes to the NPDES permit of a reception facility listed to meet § 157.304(b)(3) that would adversely affect the ability of that facility to process the vessel's discharges.

(b) The Officer in Charge, Marine Inspection, of the zone in which an occurrence under paragraph (a)(2) or (a)(3) of this section takes place notifies the owner, operator, and master of the exempted vessel of the specific reasons for considering the revocation of the exemption.

(c) Evidence or arguments for the retention of the exemption that are submitted to the Officer in Charge, Marine Inspection within thirty days of receipt of the notice under paragraph (b) of this section will be considered before a ruling is made.

(d) If the owner is not satisfied with the ruling made under this section by the Officer in Charge, Marine Inspection, that ruling may be appealed under the procedure in § 157.06 of this part.

§ 157.310 Exempted vessels: operations.

The owner, operator, and master of each vessel that has been granted an exemption under this subpart must ensure that:

(a) The vessel trades only between ports or places within the United States, its territories or possessions;

(b) The vessel loads cargo only at ports or places listed in the exemption;

(c) Except as allowed under § 157.41 (a) and (b) of this part, any ballast water, except segregated ballast discharged in accordance with § 157.43(b) of this part, and any tank washing or cargo residues are:

(1) Retained on board; or

(2) Transferred to a shore-based reception facility that is listed in the application for exemption, or in the case of an emergency or a shipyard entry, an alternative acceptable to the cognizant Officer in Charge, Marine Inspection;

(d) The vessel loads only those cargoes listed in the exemption; and

(e) The letter under § 157.306 that grants the exemption is on board the vessel; or

(f) The certificate of inspection bearing the following endorsement is on board the vessel:

Exempted under 33 CFR 157.306 from the requirements of (33 CFR 157.10a or 157.10c, whichever is appropriate, will be inserted). This vessel may not discharge cargo in any foreign port, nor may it load cargo in a port other than the following: (a list of ports contained in the application that is accepted by the Coast Guard for the exempted vessel will be inserted here).

[CGD 79-126, 46 FR 3513, Jan. 15, 1981, as amended by CGD 82-28, 50 FR 11630, Mar. 22, 1985]

APPENDICES TO PART 157

APPENDIX A—DAMAGE ASSUMPTIONS, HYPOTHETICAL OUTFLOWS, AND CARGO TANK SIZE AND ARRANGEMENTS

1. Source. The procedures for the damage assumption calculations contained in this Appendix conform to Regulations 22, 23, and 24 of Annex I of the International Convention for the Prevention of the Pollution

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from Ships, 1973, done at London, November 2, 1973.

2. *Assumptions.* For the purpose of calculating hypothetical outflow from tank vessels, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the vessel are assumed.

(a) For side damage, the conditions are as follows:

Damage	Conditions
(1) Longitudinal extent l_s	$\frac{1}{2} L^{2/3}$ or 14.5 m, whichever is less.

Damage	Conditions
(2) Transverse extent (t_s) (inboard from the vessel's side at right angles to the centerline at the level corresponding to the assigned summer freeboard).	B —or 11.5 m, whichever is less.
(3) Vertical extent (v_s)	From the base line upwards without limit.

(b) For bottom damage, two conditions to be applied individually to the stated portions of the vessel, as follows:

Damage	Conditions	
	For 0.3L from the forward perpendicular of ship	Any other part of ship
(1) Longitudinal extent (l_b)	$L/10$	$L/10$ or 5 meters, whichever is less.
(2) Transverse extent (t_b)	$B/6$ or 10 meters, whichever is less but not less than 5 meters.	5 meters.
(3) Vertical extent from the base line (v_b)	$B/15$ or 6 meters, whichever is less.	$B/15$ or 6 meters, whichever is less.

3. *Hypothetical Outflow of Oil* (a) The hypothetical outflow of oil in the case of side damage (O_s) and bottom damage (O_b) is calculated by the following formula with respect to compartments breached by damage to all conceivable locations along the length of the vessel to the extent as defined in section 2 of this Appendix.

(1) For side damages: Formula

$$O_s = \Sigma W_i + \Sigma K_i C_i$$

(2) For bottom damage: Formula II

$$O_b = \frac{1}{2} (\Sigma Z_i W_i + \Sigma Z_i C_i)$$

Where:

W_i = Volume of a wing tank assumed to be breached by the damage as specified in section 2 of this Appendix; W_i for a segregated ballast tank may be taken equal to zero;

C_i = Volume of a center tank assumed to be breached by the damage as specified in section 2 of this Appendix; C_i for a segregated ballast tank may be taken equal to zero;

$$K_i = 1 - \frac{h_i}{t_i}$$

when h_i is equal to or greater than t_i , K_i is equal to zero;

$$Z_i = 1 - \frac{h_i}{v_i}$$

when h_i is equal to or greater than v_i , Z_i is equal to zero;

b_i = Minimum width of wing tank under consideration measured inboard from the vessel's side at right angles to the centerline at the level corresponding to the assigned summer freeboard; and

h_i = Minimum depth of the double bottom under consideration; where no double bottom is fitted, h_i is equal to zero.

(b) If a void space or segregated ballast tank of a length less than l_i is located between wing oil tanks, O_i in formula I of this section may be calculated on the basis of volume W_i being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity), adjacent to such space, multiplied by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = 1 - \frac{l_i}{l}$$

Where l_i = length of void space or segregated ballast tank under consideration.

(c) Credit is only given in respect to double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(1) If the double bottom does not extend for the full length and width of the tank in-

involved, the double bottom is considered non-existent and the volume of the tanks above the area of the bottom damage must be included in formula II of this section even if the tank is not considered breached because of the installation of such a partial double bottom.

(2) Suction wells may be neglected in the determination of the value h , if such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, h is taken equal to the double bottom height minus the well height.

(d) In the case where bottom damage simultaneously involves four center tanks, the value of O_1 may be calculated according to formula III as follows:

$$O_1 = \frac{1}{4}(Z_1 Z_2 W_1 + Z_1 Z_3 C)$$

(e) Credit for reduced oil outflow from bottom damage may be applied to formula III for an installed emergency high suction cargo transfer system that:

(1) transfers within two hours oil equal to one half of the volume of the largest tank involved;

(2) has sufficient ballast or cargo tankage available to receive the transferred oil; and

(3) has the high suction piping installed at a height not less than the vertical extent of bottom damage (v).

4. Allowable volumes of cargo tanks.

(a) The allowable volume of a wing cargo tank (VOL_w) is equal to seventy-five percent of O_1 . In a segregated ballast tank vessel VOL_w may equal O_1 for a wing cargo oil tank located between two segregated ballast tanks each of length greater than l , and width greater than t .

(b) The allowable volume of a center cargo tank (VOL_c) is 50,000 cubic meters.

5. Allowable length of cargo tanks. The allowable length of a cargo tank (l_c) is equal to the greater of 10 meters or more of the following values:

(a) If no longitudinal bulkhead is provided, 0.1L.

(b) If a longitudinal bulkhead is provided at the centerline only, 0.15L.

(c) If two or more longitudinal bulkheads are provided:

(1) For wing tanks, 0.2L; and

(2) For center tanks:

If

$$\frac{h}{B}$$

is equal to or greater than $\frac{1}{4}$, 0.2L; or

If

(d)

$$\frac{h}{B}$$

is less than $\frac{1}{4}$; and:

(A) no centerline longitudinal bulkhead is provided,

$$(0.5 [b/B] + 0.1) L;$$

or

(B) a centerline longitudinal bulkhead is provided,

$$(0.25 [b/B] + 0.15) L.$$

[CGD 74-32, 40 FR 48283, Oct. 14, 1975, as amended by CGD 74-32, 40 FR 49328, Oct. 22, 1975]

APPENDIX B—SUBDIVISION AND STABILITY ASSUMPTIONS

1. Source. The procedures for the loading assumption calculations contained in this Appendix conform to Regulation 25 of Annex I of the International Convention for the Prevention of the Pollution from Ships, 1973, done at London, November 2, 1973.

2. Loading Assumptions. For the purpose of calculating subdivision and damage stability for a tank vessel, the operating drafts must reflect actual partial or full load conditions consistent with trim and strength of the vessel. Ballast conditions need not be considered if the tank vessel is not carrying oil in cargo tanks excluding oily residues. Loading condition must reflect the specific gravities of the cargo.

3. Damage Assumptions.

(a) Damage is applied to all conceivable locations along the length of the vessel as follows:

(1) For a vessel of more than 225 meters in length, anywhere in the vessel's length.

(2) For a vessel of more than 150 meters, but not exceeding 225 meters in length, anywhere in the vessel's length except where the after or forward bulkhead bounding a machinery space located aft is involved in the damage assumption. The machinery space is calculated as a single floodable compartment.

(3) For a vessel 150 meters or less in length, anywhere in the vessel's length between adjacent transverse bulkheads except the machinery space.

(b) The extent and the character of the assumed side or bottom damage, as defined in section 2 of Appendix A of this part, must be applied except longitudinal bottom damage within 0.3L from the forward perpendicular must be assumed to be the same as that for side damage. If any damage of lesser extent results in a more severe condition, such damage must be assumed.

(c) If damage involves transverse bulkheads as specified in paragraphs (a)(1) and (2) of this section, transverse watertight bulkheads must be spaced at least at a distance equal to the longitudinal extent of the assumed damage specified in paragraph (b) of this section in order to be considered effective. Where transverse bulkheads are spaced at a lesser distance, one or more of these bulkheads within such extent of damage must be assumed as nonexistent for the purpose of determining flooded compartments.

(d) If the damages between adjacent transverse watertight bulkheads is within the definition contained in paragraph (a)(3) of this section, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks is to be assumed damaged, unless:

(1) the spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage defined in paragraph (b) of this section; or

(2) there is a step or a recess in a transverse bulkhead of more than 3.05 meters in length, located within the extent of penetrations of assumed damage. The step formed by the after peak bulkhead and after peak tank top is not regarded as a step for these calculations.

(e) If pipes, ducts, or tunnels are situated within the assumed extent of damage, there must be arrangements so that progressive flooding may not thereby extend to compartments other than those assumed to be floodable for each case of damage.

4. Characteristic and Condition Assumption for Calculations.

(a) Account must be taken of any empty or partially filled tanks, the specific gravity of cargoes carried, and any outflow of liquids from damaged compartments.

(b) The permeabilities are assumed as follows:

Intended space use	Permeability
Stores	0.00
Accommodation	0.05
Machinery	0.05
Voids	0.95
Consumable liquids	¹ 0 or 0.95
Other liquids	² 10 or 0.95

¹ Whichever results in the more severe requirements.

² The permeability of partially filled compartments must be consistent with actual density and the amount of liquid carried.

(c) The buoyancy of any superstructure directly above the side damage is to be disregarded. The unflooded parts of superstructures beyond the extent of damage may be taken into consideration if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place. Class I doors

are allowed in watertight bulkheads in the superstructure.

(d) The free surface effect is to be calculated:

(1) at an angle of heel of 5 degrees for each individual compartment; or

(2) by assessing the shift of liquids by moment of transference calculations.

(e) In calculating the effect of free surfaces of consumable liquids, it is to be assumed that, for each type of liquid, at least one transverse pair or a single centerline tank has a free surface and the tank or combination of tanks to be taken into account is to be those where the effect of free surface is the greatest.

APPENDIX C—PROCEDURE FOR DETERMINING DISTRIBUTION OF SEGREGATED BALLAST TANKS TO PROVIDE PROTECTION AGAINST OIL OUTFLOW IN THE EVENT OF GROUNDING, RAMMING, OR COLLISION

1. *Source.* The procedure for determining the distribution of segregated ballast tanks contained in this appendix conforms to Regulation 13E of the MARPOL Protocol.

2. *Procedure.* Protective location of segregated ballast tanks, voids, and other spaces that do not carry cargo which are within the cargo tank length is determined from the following:

$$IPA_s + IPA_b = J(L_s(B + 2D))$$

Where:

PA_s = the side shell area in square meters based on projected molded dimensions for each segregated ballast tank, void, or other space that does not carry cargo and which complies with paragraph 3b of this appendix;

PA_b = the bottom shell area in square meters based on projected molded dimensions for each segregated ballast tank, void, or other space that does not carry cargo and which complies with paragraph 3b of this appendix;

L_s = the length in meters between the forward and after extremities of the cargo tanks;

B = the maximum breadth of the ship in meters measured amidship to the molded line of the frame; and

D=the molded depth in meters measured vertically from the top of the keel plate to the top of the freeboard deck beam at the side amidships. In tank vessels having rounded gunwales, the molded depth is measured from the top of the keel plate to the point of intersection of the molded lines of the deck and side shell plating, the lines being extended as though the gunwale were of angular design.

(a) *Method of determining a value for J.*

(1) For tank vessels for 20,000 DWT, $J=0.45$.

(2) For tank vessels of 200,000 DWT or more:

(i) $J=0.30$; or

(ii) J =the greater of 0.20, or

$$0.30 - \left[a - \frac{(O_1 + O_2)}{40_1} \right]$$

where:

$a=0.25$ for tank vessels of 200,000 DWT.

$a=0.40$ for tank vessels of 300,000 DWT.

$a=0.50$ for tank vessels of 420,000 DWT.

For values of DWT between 200,000 and 300,000 DWT, 300,000 and 420,000 DWT, and greater than 420,000 DWT, the value of "a" is determined by linear interpolation.

O_1 = as calculated in Appendix A of this part.

O_2 = as calculated in Appendix A of this part.

O_3 = the allowable oil outflow meeting § 157.19(b)(1) of this part.

(3) For values of DWT between 20,000 and 200,000 DWT, the value of "J" is determined by linear interpolation between 0.45 and 0.30 respectively.

(b) *PA, and PA₂: Criteria for determining the segregated ballast tanks, voids, and other spaces that do not carry cargo.*

The following criteria are to be met for a segregated ballast tank, void, or space that does not carry cargo, to be used in determining PA, and PA₂:

(1) The minimum width of each wing tank or space, either of which extends for the full depth of the vessel's side or from the main deck to the top of the double bottoms is 2 meters or more. The width is measured inboard from the vessel's side shell plating at right angles to the vessel's center line. If a wing tank or space has a width anywhere within it that is less than 2 meters, that wing tank or space is not used when calculating PA.

(2) The minimum vertical depth of each double bottom tank or space is B/15 or 2 meters, whichever is smaller. If a double bottom tank or space has a depth less than B/15 or 2 meters, whichever is smaller, any-

where within it, the double bottom or space is not to be used when calculating PA.

(3) The minimum width of a wing tank or space is not measured in the way of—

(i) the turn of the bilge area; or

(ii) a rounded gunwale area.

(4) The minimum depth of a double bottom tank or space is not measured in the way of the turn of the bilge area.

[CGD 77-058b, 45 FR 43716, June 30, 1980]

APPENDIX D—EXAMPLE OF A PROCEDURE FOR DEDICATED CLEAN BALLAST TANKS OPERATIONS

1. *Source.* The example procedure for dedicated clean ballast tanks operation contained in this appendix conforms to the Annex of Resolution 14 of the MARPOL Protocol.

2. *Example Procedure.* Dedicated clean ballast tanks operational procedure:

(a) Before arrival at the loading port:

(1) Transfer all remaining slop to a cargo tank.

(2) Ensure that the pumping and piping designated for clean ballast operation have been properly cleaned to accommodate simultaneous discharge of clean ballast while loading.

(3) Ensure that all valves to the slop tank and the cargo tanks are closed.

(4) Perform visual inspection of all dedicated clean ballast tanks and their contents, if any, for signs of contamination.

(5) Discharge a sufficient amount of clean ballast water to ensure that remaining ballast water and cargo to be loaded will not exceed the permissible deadweight or draft. Leave a sufficient amount of water for flushing the piping, and as a minimum, a quantity equal to 10 times the volume of the affected piping.

(6) Ensure that all valves to the dedicated clean ballast tanks are closed.

(7) If no further ballast discharge is anticipated, drain the clean ballast piping.

(b) In the loading port:

(1) Perform normal loading operations of cargo tanks.

(2) Ensure sufficient slop tank capacity is available for subsequent reception of cargo pump and piping flushings.

(3) When applicable, discharge remaining clean ballast before entire piping system is used for loading. Leave the required minimum quantity of flushing water in ballast tanks.

(4) Ensure that all valves to the dedicated clean ballast tanks are closed.

(5) Ensure that all valves to the cargo tank are closed upon completion of loading.

(c) After departure from the loading port:

(1) Flush appropriate pumping and piping with sufficient water from dedicated clean ballast tanks into a slop tank.

(2) Ensure that valves to the slop tank are closed before pumping the remaining clean water overboard and monitoring oil content of the water.

(3) Ensure that all valves in the dedicated clean ballast tanks are closed.

(d) Before arrival at the unloading port:

(1) Ensure that all valves to the slop tank and cargo tanks are closed.

(2) Recheck that the pumping and piping designated for clean ballast operation have been properly cleaned.

(3) Ballast through clean cargo pumps and piping, considering the port's draft requirements.

(4) Ensure that all valves in the dedicated clean ballast tanks are closed.

(e) In the unloading port:

(1) Allocate pumping and piping intended for clean ballast operation.

(2) Perform normal unloading operations.

(3) As soon as draft conditions permit, complete ballasting to departure conditions.

(4) Ensure that all valves to the dedicated clean ballast tanks are closed.

(5) Complete unloading.

(f) After departure from the unloading port:

(1) Flush pumps and piping servicing the dedicated clean ballast tanks into the slop tank.

(2) Top up dedicated clean ballast tanks.

(3) Process the slop tank content in accordance with load on top (LOT) procedures.

[CGD 77-058b, 45 FR 43717, June 30, 1980]

APPENDIX E—SPECIFICATIONS FOR THE DESIGN, INSTALLATION AND OPERATION OF A PART FLOW SYSTEM FOR CONTROL OF OVERBOARD DISCHARGES

Source. Appendix 2 to Annex 5 of IMO's Marine Environment Protection Committee document MEPC/Circ. 97. Paragraphs 1 and 2 are printed for information. Paragraphs 3, 4, and 5 are incorporated into §§ 157.11 and 157.37.

Note: Information in square brackets on Figure 1 has been added by the Coast Guard for clarity.

1 Purpose

The purpose of these Specifications is to provide specific design criteria and installation and operational requirements for the part flow system referred to in Regulation 18(6)(e) of Annex 1 of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto.

2 Application

2.1 Existing oil tankers may, in accordance with Regulation 18(6)(e) of Annex 1 of MARPOL 73/78, discharge dirty ballast water and oil contaminated water from cargo tank areas below the waterline, provided part of the flow is led through permanent piping to a readily accessible location on the upper deck or above where it may be visually observed during the discharge operation and provided that the arrangements comply with the requirements established by the Administration and which shall at least contain all the provisions of the Specifications.

2.2 The part flow concept is based on the principle that the observation of a representative part flow of the overboard effluent is equivalent to observing the entire effluent stream. These specifications provide the details of the design installation, and operation of a part flow system.

3 General Provisions

3.1 The part flow system shall be so fitted that it can effectively provide a representative sample of the overboard effluent for visual display under all normal operating conditions.

3.2 The part flow system is in many respects similar to the sampling system for oil discharge monitoring and control system but shall have pumping and piping arrangements separate from such a system, or combined equivalent arrangements acceptable to the Administration.

3.3 The display of the part flow shall be arranged in a sheltered and readily accessible location on the upper deck or above, approved by the Administration (e.g. the entrance to the pump room). Regard shall be given to effective communication between the location of the part flow display and the discharge control position.

3.4 Samples shall be taken from relevant sections of the overboard discharge pipe and be passed to the display arrangements through a permanent piping system.

3.5 The part flow system shall include the following components:

1. Sampling probes;
2. Sample water piping system;
3. Sample feed pump(s);
4. Display arrangement;
5. Sample discharge arrangement; and subject to the diameter of the sample piping;

6. Flushing arrangement.

3.6 The part flow system shall comply with the applicable safety requirements.

4 System Arrangement

4.1 Sampling points.

4.1.1 Sampling point locations:

1 Sampling points shall be so located that relevant samples can be obtained of the effluent being discharged through outlets below the waterline which are being used for operational discharges.

2 Sampling points shall as far as practicable be located in pipe sections where a turbulent flow is normally encountered.

3 Sampling points shall as far as practicable be arranged in accessible locations in vertical sections of the discharge piping.

4.1.2 Sampling probes:

1 Sampling probes shall be arranged to protrude into the pipe a distance of about one fourth of the pipe diameter.

2 Sampling probes shall be arranged for easy withdrawal for cleaning.

3 The part flow system shall have a stop valve fitted adjacent to each probe, except that where the probe is mounted in a cargo line, two stop valves shall be fitted in series, in the sample line.

4 Sampling probes should be of corrosion resistant and oil resistant material, of adequate strength, properly jointed and supported.

5 Sampling probes shall have a shape that is not prone to becoming clogged by particle contaminants and should not generate high hydrodynamic pressures at the sampling probe tip. Figure 1 is an example of one suitable shape of a sampling probe.

6 Sampling probes shall have the same nominal bore as the sample piping.

4.2 Sample piping:

1 The sample piping shall be arranged as straight as possible between the sampling points and the display arrangement. Sharp bends and pockets where settled oil or sediment may accumulate should be avoided.

2 The sample piping shall be so arranged that sample water is conveyed to the display arrangement within 20 seconds. The flow velocity in the piping should not be less than 2 metres per second.

3 The diameter of the piping shall not be less than 40 millimetres if no fixed flushing arrangement is provided and shall not be less than 25 millimetres if a pressurized flushing arrangement as detailed in paragraph 4.4 is installed.

4 The sample piping should be of corrosion-resistant and oil-resistant material, of adequate strength, properly jointed and supported.

5 Where several sampling points are installed the piping shall be connected to a valve chest at the suction side of the sample feed pump.

4.3 Sample feed pump:

1 The sample feed pump capacity shall be suitable to allow the flow rate of the sample water to comply with 4.2.2.

4.4 Flushing arrangement:

1 If the diameter of sample piping is less than 40 millimetres, a fixed connexion from a pressurized sea or fresh water piping

system shall be installed to enable flushing of the sample piping system.

4.5 Display arrangement:

1 The display arrangement shall consist of a display chamber provided with a sight glass. The chamber should be of a size that will allow a free fall stream of the sample water to be clearly visible over a length of at least 200 millimetres. The Administration may approve equivalent arrangements.

2 The display arrangement shall incorporate valves and piping in order to allow a part of the sample water to bypass the display chamber to obtain a laminar flow for display in the chamber.

3 The display arrangement shall be designed to be easily opened and cleaned.

4 The internal of the display chamber shall be white except for the background wall which shall be so coloured in order to facilitate the observation of any change in the quality of the sample water.

5 The lower part of the display chamber shall be shaped as a funnel for collection of the sample water.

6 A test cock for taking a grab sample shall be provided in order that a sample of the water can be examined independent of that in the chamber.

7 The display arrangement shall be adequately lighted to facilitate visual observation of the sample water.

4.6 Sample discharge arrangement:

1 The sample water leaving the display chamber shall be routed to the sea or to a slop tank through piping of adequate diameter.

5 Operation

5.1 When a discharge of dirty ballast water or other oil contaminated water from the cargo tank area is taking place through an outlet below the waterline, the part flow system shall provide sample water from the relevant discharge outlet at all times.

5.2 The sample water should be observed particularly during those phases of the discharge operation when the greatest possibility of oil contamination occurs. The discharge shall be stopped whenever any traces of oil are visible in the flow and when the oil content meter reading indicates oil content exceeds permissible limits.

5.3 On those systems that are fitted with flushing arrangements, the sample piping should be flushed after contamination has been observed and additionally it is recommended that the sample piping be flushed after each period of usage.

5.4 The ship's cargo and ballast handling manuals and, where applicable, those manuals required for crude oil washing systems or dedicated clean ballast tanks operation shall clearly describe the use of the part flow system in conjunction with the ballast discharge and the slop tank decanting procedures.

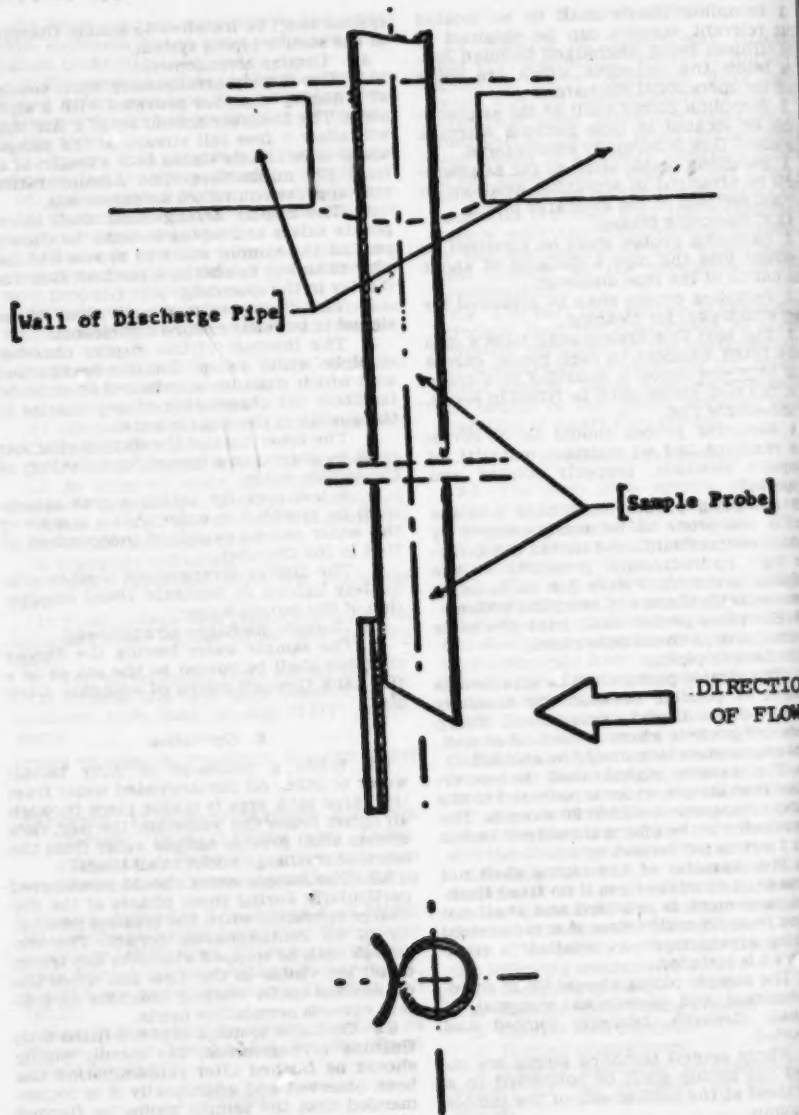


FIGURE 1

SAMPLING PROBE FOR A PART FLOW DISPLAY SYSTEM

(CGD 75-124a, 48 FR 48721, Oct. 6, 1983)

APPENDIX F—GUIDELINES AND SPECIFICATIONS FOR OIL DISCHARGE MONITORING AND CONTROL SYSTEMS FOR TANKERS

Source. IMO Resolution A.496(XII). Paragraphs 1, 2, 3, and 7 are printed for information. Paragraphs 4, 5, and 6 are incorporated into § 157.12.

Mandatory Language. Wherever the word "should" is used in this appendix, substitute the word "shall". Compliance with these provisions is mandatory.

Note. Numbered footnotes have been added by the Coast Guard for clarity. Footnotes in the original text have been inserted parenthetically in the text and are identified by an asterisk.

1 Purpose

1.1 The purpose of these Guidelines and Specifications is:

.1 To provide a uniform interpretation of the requirements of Regulation 15(3)(a) of Annex I to the MARPOL 73/78 Convention(1), and

.2 To assist Administrations in determining appropriate design, construction and operational parameters for oil discharge monitoring and control systems when such systems are fitted in ships flying the flag of their State.

2 Background

2.1 The requirements of Annex I to the MARPOL 73/78 Convention relating to oil content monitoring of oil tanker ballast and tank washing water are contained in Regulation 15(3)(a), which stipulates that oil tankers of 150 tons gross tonnage and above shall be equipped with an approved oil discharge monitoring and control system and that the system shall record continuously:

.1 The discharge of oil in litres per nautical mile and total quantity of oil discharge; or

.2 In lieu of the total quantity of oil discharged, the oil content of the effluent and rate of discharge.

In both cases the record shall be "identifiable as to time and date" and shall be kept for at least three years.

2.2 Regulation 15 also stipulates that the system shall come into operation when there is any discharge of effluent into the sea and shall be such as will ensure that any discharge of oily mixture is automatically stopped when the instantaneous rate of discharge of oil exceeds that permitted by Regulation 9(1)(a). In existing oil tankers the stopping of the discharge may be performed manually and the rate of discharge may be estimated from the pump characteristics.

2.3 A test and performance specification for the basic oil content meter, indicating

oil content in ppm, has been adopted by Resolution A.393(X).

2.4 Resolution A.445(XI) recognizes the need for early installation of oil discharge monitoring and control systems in order that operational experience can be gained. That resolution further invites the Marine Environment Protection Committee (MEPC) to develop guidelines for the progressive installation of oil discharge monitoring and control systems for new and existing oil tankers.

3 Application

3.1 An oil discharge monitoring and control system, approved by the Administration, shall be fitted in every oil tanker of 150 tons gross tonnage and above, and shall be fitted in:

.1 New ("as defined in Regulation 1(6)(2) tankers, on the date of entry into force of the Convention;

.2 Existing tankers, within three years of the date of entry into force of the Convention.

3.2 Existing tankers operating with a tank cleaning procedure using crude oil washing in accordance with Regulation 13(8) or with dedicated clean ballast tanks in accordance with Regulation 13(9) must fit an oil content meter not later than the first scheduled shipyard visit after entry into force of the Convention.

3.3 An incentive scheme to encourage the early installation of oil discharge monitoring and control systems (Resolution A.445(XI)) has been developed which allows different requirements depending on the date of installation of the system and the size and building date of the oil tanker. The terms used in the description of the various requirements are defined in section 4 below.

4 Definitions

4.1 "Oil discharge monitoring and control system"

4.1.1 Oil discharge monitoring and control system is a general term covering any one of the units referred to in paragraphs 4.2, 4.3, and 4.4.

4.2 "Control unit"

4.2.1 A control unit is a system which receives automatic signals of:

.1 Oil content;

.2 Flow rate of discharge;

.3 Ship's speed;

.4 Date and time (G.M.T.); and

.5 Discharge valve position (open or closed).

4.2.2 The unit shall make automatic recordings of:

.1 Instantaneous rate of discharge of oil;

.2 Total quantity of oil discharged;

.3 Date and time (G.M.T.);

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4 Discharge valve position (open or closed);

5 Alarm condition;

6 Failure (i.e. no flow, fault etc.); and

7 Override action (i.e. manual override, flushing, calibration etc.).

4.2.3 The unit shall be fitted with a starting interlock and discharge valve control capability. The unit shall meet the specifications contained in the relevant paragraphs of section 6.

4.3 "Computing unit".

4.3.1 A computing unit is a system which receives automatic signals of:

1 Oil content;

2 Date and time (G.M.T.);

3 Discharge valve activation;

4 Flow rate of discharge; and

5 Ship's speed in knots.

The flow rate and ship's speed may be manually inserted into the unit.

4.3.2 The unit shall make automatic recordings of:

1 Instantaneous rate of discharge of oil;

2 Total quantity of oil discharged;

3 Date and time (G.M.T.);

4 Discharge valve position (open or closed);

5 Alarm condition;

6 Failure (i.e. no flow, fault etc.);

7 Override action;

8 Manual input (i.e. speed, flow); and

9 Oil content if the flow rate has been manually inserted.

4.3.3 Unless explicitly stated in the Implementation Requirements (see section 5 below) the unit need not be fitted with a starting interlock or discharge valve control capability.

4.3.4 The unit shall meet the specifications contained in the relevant paragraphs of section 6.

4.4 "Calculating unit".

4.4.1 A calculating unit is a system which received automatic signals of:

1 Oil content;

2 Flow rate of discharge; and

3 Ship's speed.

The flow rate and ship's speed may be manually inserted into the unit.

4.4.2 The unit shall make an automatic recording of:

1 Oil content, unless the oil content meter is provided with a recorder.

4.4.3 The unit shall display:

1 Instantaneous rate of discharge of oil;

2 Total quantity of oil discharged, unless permitted to be calculated manually.

4.4.4 The time and date, instantaneous rate of discharge of oil and, the total quantity of oil discharged may be recorded manually.

4.4.5 The unit need not be fitted with a starting interlock nor discharge valve control capability.

4.4.6 The unit shall meet the specifications contained in the relevant paragraphs of section 6.

4.5 "Starting interlock" is an automatic device which prevents the initiation of the opening of the discharge valve before the monitoring and control system is fully operational when use of this system is required by the Convention.

4.6 The "discharge valve control" is an automatic device which initiates the sequence to stop the overboard discharge.

5 Implementation Requirements

5.1 To assist in the implementation of Resolution A.445(XI), an implementation scheme has been developed by the MEPC which provides slightly different requirements for oil discharge monitoring and control systems depending on size and building date of the oil tanker. The scheme also allows for different requirements, depending on the installation date of the system.

5.2 Under the implementation scheme contained in paragraph 5.4 oil tankers of 150 tons gross tonnage and above have been arranged into five categories. Each category of oil tanker shall be fitted with an oil discharge monitoring and control system as set out below. The definitions given in section 4 should be consulted for a description of the different systems.

5.3 The implementation scheme set out in paragraph 5.4 gives details, with reference to paragraph 4, of the minimum equipment required to comply with this scheme. Where it is expedient to fit equipment of a higher category than required no objection shall be raised to this arrangement.

5.4 Implementation scheme:

5.4.1 Category I—

1 An oil tanker of this category is of 4,000 tons deadweight and above and is a "new ship" as defined in Regulation 1(8) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed on or after 1 June 1982.

2 This category of ship shall be fitted with a control unit as defined under paragraph 4.2.

5.4.2 Category II—

1 An oil tanker of this category is of 4,000 tons deadweight and above and is a "new ship" as defined in Regulation 1(8) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed before 1 June 1982.

2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

3 The system shall also be fitted with starting interlock and a discharge valve control.

5.4.3 Category III—

1 An oil tanker of this category is of 150 tons gross tonnage and above, but less than

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0,000 tons deadweight and is a "new ship" as defined in Regulation 1(6) of Annex I of MARPOL 73/78.

2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.4.4 Category IV(a)—

1 An oil tanker of this category is of 20,000 tons deadweight and above and is an "existing ship" as defined in Regulation 1(7) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed between one year and three years after the date of entry into force of MARPOL 73/78.

2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

3 The system shall also be fitted with a starting interlock, but need not be fitted with a discharge valve control.

4 For oil tankers within this category up to and including 100,000 tons deadweight, where the overboard discharge has local manual control or where control is provided by means of extension rods, Administrations may grant waivers or exemptions from the requirement to fit a starting interlock system (3).

5.4.5 Category IV(b)—

1 An oil tanker of this category is of 20,000 tons deadweight and above and is an "existing ship" as defined in Regulation 1(7) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed not later than one year after the date of entry into force of MARPOL 73/78.

2 This category of ship shall be fitted with a computing unit as defined under paragraph 4.3.

3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.4.6 Category V(a)—

1 An oil tanker of this category is of 150 tons gross tonnage and above but less than 20,000 tons deadweight and is an "existing ship" as defined in Regulation 1(7) of Annex I of MARPOL 73/78 and the oil discharge monitoring and control system is installed between one year and three years after the entry into force of MARPOL 73/78.

2 This category of ship shall be fitted with a calculating unit as defined under paragraph 4.4.

3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.4.7 Category V(b)—

1 An oil tanker of this category is of 150 tons gross tonnage and above but less than 20,000 tons deadweight and is an "existing ship" as defined in Regulation 1(7) of

Annex I to MARPOL 73/78 and the oil discharge monitoring and control system is installed not later than one year after the entry into force of MARPOL 73/78.

2 This category of ship shall be fitted with a calculating unit as defined under paragraph 4.4. However, the total quantity of oil discharged may be computed manually.

3 No automatic devices are required to activate overboard discharge valve closure, neither is a starting interlock required.

5.5 Shown at the Appendix is a summary, in tabular form, of the implementation requirements (4).

6 Technical Specifications

6.1 Oil discharge monitoring and control system:

6.1.1 The oil discharge monitoring and control system shall be so fitted that it can effectively monitor and control the discharge of any effluent into the sea through those overboard discharge outlets permitted by Regulation 18(2) which in the opinion of the Administration are necessary to fulfill the operational requirements of the tanker (5). The system should additionally cover:

1 The gravitational discharge of ballast water from cargo tanks; and

2 The midship cargo manifold arrangement when used to meet the requirements of Regulation 18.

6.1.2 The discharge of dirty ballast water or oil contaminated water into the sea through outlets which are not controlled by the monitoring and control system is an infringement of the Convention (6).

6.1.3 The system should function effectively, according to the criteria shown below, under all environmental conditions which vessels are normally assumed to encounter, and shall be designed and constructed to withstand the environmental conditions as specified in paragraph 6.1.6 of these Guidelines and Specifications:

1 Except where manual operation of the system is permitted the system shall be so designed that no ballast discharge can take place unless the monitor is in the normal operating mode and the relevant sampling point has been connected to the monitor.

2 Preferably the system should have a minimum number of discharge outlets and sampling points so arranged that discharge can take place via only one sampling point at a time.

3 Where it is intended that more than one line is used for simultaneous discharge purposes, one oil content meter (7), together with a flow meter, shall be installed per discharge line. These instruments shall be connected to a common processing unit.

4 In order to avoid alarms due to short term high oil concentration signals (spikes) causing indications of high instantaneous

rates of discharge, the short term high ppm signal may be suppressed for a maximum of 10 seconds by employing a delay relay. Alternatively, the instantaneous rate of discharge may be the average during the preceding 20 seconds or less as computed from instantaneous ppm values produced by the oil content meter with intervals of a maximum of 5 seconds.

6.1.4 The system should comprise the following:

.1 An oil content meter to measure the oil content of the effluent in parts per million. This meter shall be approved in accordance with the provisions contained in resolution A.393(X)(4) and certified to take into account the range of cargoes carried;

.2 A flow rate system to indicate the quantity of effluent being discharged in a unit of time (see also paragraphs 6.3.7 and 6.3.8);

.3 A vessel speed indicating device; to give the vessel's speed in knots (see also paragraphs 6.4.2 and 6.4.3);

.4 A sampling system to convey a representative sample of the effluent to the oil content meter;

.5 A control section which includes:

.5.1 A processor, which accepts signals of oil content, flow rate and the vessel's speed and converts them into litres per nautical mile and the total quantity of oil discharged (see also paragraph 6.5.3);

.5.2 A transmitting device to provide alarms and, where required, command signals to the discharge control arrangement;

.5.3 A recording device to provide, where required, a continuous record of the effluent discharge;

.5.4 A manual override system to be used in the event of failure of the monitoring and control system; and

.5.5 Where required a transmitting device to provide signals to a starting interlock preventing the discharge of effluent before the oil content meter is fully operative.

6.1.5 The electrical components of the system installed in a hazardous area of a vessel shall meet the appropriate safety requirements ("As contained in the provisions of IEC Publication 92 or its equivalent.") (9) provided for these areas.

6.1.6 The control section of an oil discharge monitoring and control system shall be capable of operating satisfactorily under the following environmental conditions:

.1 Ambient air temperature: 0° C to 55° C in enclosed spaces; -25° C to 55° C on open decks

.2 Vibration: 2.0 Hz to 13.2 Hz, with displacement amplitude of ± 1.0 mm 13.2 Hz to 80.0 Hz, with an acceleration amplitude of ± 0.7 g

.3 Voltage variations for alternating current: permanent variation of $\pm 10\%$

.4 Inclination: inclination at angles of up to 22.5° in any place from the normal operational position

6.2 Sampling system:

6.2.1 Sampling points should be so located that relevant samples can be obtained from those outlets that are used for operational discharges in accordance with paragraph 6.1.1. The sampling probes located in the overboard discharge lines and the piping system connecting the sampling probes to the oil content meter should meet the following requirements:

.1 The piping and probes shall be of corrosion-resistant and oil-resistant material of adequate strength, properly jointed and supported;

.2 The system shall have a stop valve fitted adjacent to each probe, except where the probe is mounted in a cargo line, e.g. to the midship cargo manifold arrangement, two stop valves shall be fitted in series, in the sample line;

.3 Sampling probes should be arranged for easy withdrawal and should as far as practicable be mounted at an accessible location in a vertical section of the discharge line. If a sampling point has to be made in a horizontal section then suitable arrangements should be made to obtain representative samples. Sampling probes should normally penetrate inside the discharge pipe a distance of one quarter the diameter of that pipe;

.4 Means shall be provided for cleaning the probes and piping system by the provision of permanent clean water flushing arrangements or some other equivalent method, especially in the case of probes mounted in a cargo line. The design of the probes and piping should be such as to minimize their clogging by oil, oily residue and other matter;

.5 The velocity of the fluid in the pipes shall be such that, taking into consideration the length of the piping, the overall response time should be as short as possible between an alteration in the mixture being pumped and the alteration in the meter reading and in any case not more than 6 seconds;

.6 The location of sampling probes in relation to any point of flow diversion to a slop tank shall be selected with regard to the need for sampling the oily water in the recirculation mode;

.7 The arrangements for driving the sampling pump or any other pumps such as those provided for washing windows shall have regard to the safety requirements of the space in which the pump is located;

.8 The flushing arrangements should be such that where necessary they can be utilised for stabilising the oil content meter and for correcting zero setting;

9 Sample water when returned to the stop tank shall not be allowed to free fall into the tank.

6.3 Flow rate indicating system:

6.3.1 A flow meter for measuring the rate of discharge should be installed in a vertical section of a discharge line or in any other section of discharge line as appropriate, so as to be always filled with the liquid.

6.3.2 A flow meter should employ an operating principle which is suitable for ship-board use and, where relevant, can be used in large diameter pipes.

6.3.3 A flow meter should be suitable for the full range of flow rates that may be encountered during normal operation. Alternatively, arrangements such as the use of two flow meters of different ranges or a restriction of the operational flow rate range may be necessary to meet this requirement.

6.3.4 The flow meter, as installed, should have an accuracy of ± 15 percent, or better, of the instantaneous rate throughout the operating range.

6.3.5 Any component part of the flow meter in contact with the effluent discharge including associated piping, if fitted, shall be of corrosion-resistant and oil-resistant material of adequate strength.

6.3.6 The design of the flow metering arrangements shall have regard to the safety requirements of the space in which such metering arrangements are located.

6.3.7 In ships fitted with a computing unit the flow rate may be determined from the pump characteristics and the data manually inserted into the unit.

6.3.8 In ships fitted with a calculating unit the flow rate may be manually inserted into the unit. The flow rate is to be estimated from the best available source e.g. pump characteristics, speed of pump(s), ullages or knowledge of pumping rates for particular tanks on the ship.

6.3.9 In oil tankers where the gravitational discharges of ballast water from the cargo tanks is an established practice, in accordance with Regulation 18(6)(d), means, such as calibration curves, shall be provided to estimate the flow rate of discharge.

6.4 Vessel's speed indicating system:

6.4.1 The automatic speed signal required for the control unit shall be obtained from the vessel's speed indicating device ("See 'Recommendation on Performance Standards for Devices to Indicate Speed and Distance (Annex to Resolution A.478(XII))' by means of a repeater signal. This information shall be readily available in a form that can be accepted by a processor. The speed information used may be either speed over the ground or speed through the water depending upon the speed measuring equipment installed on board.

6.4.2 In ships where a computing unit is required the vessel's speed may be manually inserted into the unit. This data shall be ob-

tained from the ship's log or from an indicating device which transmits signals which need not be in a form which can be accepted by a computer system.

6.4.3 The vessel's speed on ships required to install a calculating unit may be obtained from the ship's log or from the navigation charts and shall be estimated from the most reliable source.

6.5 Processor and transmitting device:

6.5.1 The processor should receive, at time intervals not exceeding 5 seconds, signals from the oil content meter, the flow rate measuring system, and the vessel's speed indicator and automatically compute the following:

1 Instantaneous rate of discharge of oil in litres per nautical mile; and

2 Total quantity of oil discharged per voyage in cubic meters or litres.

6.5.2 When the calculations of the processor exceed the limits imposed by Regulation 9(1)(a) (iv) and (v) (10) the transmitting device will provide alarms and, in new ships, it will also provide command signals to the discharge valve control which will cause the discharge of effluent into the sea to stop.

6.5.3 In existing ships fitted with a calculating unit where the unit is installed early, the total quantity of oil discharged may be computed manually.

6.6 Recording devices:

6.6.1 Control Unit—

1 The recording device for a control unit should include a digital printer or an analogue recorder or the combination of both or a recorded visible display. The record shall be identifiable as to the time and date and shall be kept for at least three years (11).

2 The data to be automatically recorded shall include at least the following items:

2.1 Instantaneous rate of discharge of oil (litres per nautical mile);

2.2 The total quantity of oil discharged (litres);

2.3 Time and date (G.m.t.);

2.4 The discharge valve position (open or closed);

2.5 Alarm condition;

2.6 Failure (i.e. no flow, fault, etc.); and

2.7 Override action (i.e. manual override, flushing, calibrating, etc.).

6.6.2 Computing Unit—

1 The recording device for a computing unit should include a digital printer or an analogue recorder or the combination of both or a recorded visible display. The record shall be identifiable as to the time and date and shall be kept for at least three years (11). Manual input information should be identifiable on the record.

2 The data to be automatically recorded shall include at least the following items:

.2.1 Instantaneous rate of discharge of oil (litres per nautical mile);

.2.2 The total quantity of oil discharged (litres);

.2.3 Time and date (G.m.t.);

.2.4 Manual input information;

.2.5 The valve position (open or closed);

.2.6 Alarm condition;

.2.7 Failure (i.e. no flow, fault, etc.);

.2.8 Override action (i.e. manual override, flushing, calibration, etc.); and

.2.9 Oil content if flow rate is manually inserted.

6.6.3 Calculating Unit—

.1 An automatic recording device is not required for a calculating unit, but, where fitted, the recording device should include a digital printer or an analogue recorder or the combination of both or a recorded acceptable visible display. The record shall be identifiable as to time and date, which may be entered manually, and shall be kept for at least three years (11).

.2 The data to be automatically recorded on the above-mentioned recording device shall include at least the following item: Oil content in ppm, unless the oil content meter is provided with a recorder.

6.6.4 Recording for digital printers.

Occasions of recordings. Data required in paragraphs 6.6.1.2, 6.6.2.2, and 6.6.3.2 of these Specifications shall be printed out with the following minimum frequency:

.1 When the discharge is started;

.2 When the discharge is stopped;

.3 At intervals of not more than 10 minutes;

.4 When an alarm condition is developed;

.5 When normal conditions are restored;

.6 At the change of valve order or valve position;

.7 When introducing input data;

.8 Whenever the computed rate of discharge varies by 10 litres/nautical mile, unless an equivalent trend-indicating arrangement is provided;

.9 When selecting zero setting or calibration mode; and

.10 On manual command.

6.6.5 Recording for analogue recorders.

Data required in paragraphs 6.6.1.2, 6.6.2.2 and 6.6.3.2 of these Specifications should be continuously recorded in such a way as would satisfy the following requirements:

.1 The chart speed should be indicated. If the speed is controllable, the recorder shall be provided with a marker to identify the speed of the chart paper; and

.2 Means shall be provided to enable the chart paper to be interpreted as to time, date and readings after it has been removed from the recorder.

6.7 Data display.

6.7.1 The current data shall be visibly displayed.

6.7.2 The recording device and the data display should be located in a position easily

accessible to the person in charge of the operation of discharging the effluent overboard.

6.8 Manually operated alternatives.

6.8.1 The alternative means and information for use in case of any one failure in the system should be as follows:

.1 Oil Content meter: visual observation of the surface of the water (12);

.2 Sampling pump: visual observation of the surface of the water;

.3 Flow meter: pump characteristics, etc.;

.4 Vessel's speed indicating device: main engine R.P.M., etc.;

.5 Processor: manual calculation and manual recording; and

.6 Discharge valve control: manual operation of pumps and valves.

6.9 Alarm conditions resulting in the stopping of discharge.

6.9.1 Audio-visual alarms shall be initiated for any of the following conditions:

.1 Whenever the instantaneous rate of discharge of oil exceeds 60 litres per nautical mile;

.2 When the total quantity of oil discharged reaches the allowable limit prescribed by the provisions of the relevant Regulations;

.3 Failure of the system's operation, such as:

.3.1 Power failure;

.3.2 Loss of sample;

.3.3 Failure of the measuring or recording system; or

.3.4 When the input signal of the sensor exceeds the effective capacity of the system.

6.10 Location of alarm indicator

6.10.1 The alarm indicator of the system shall be installed in the cargo control room where provided and/or other places where it will attract immediate attention and action.

7 Equipment, Operation and Maintenance Manuals

7.1 Administrations shall ensure that approved equipment, operational and/or maintenance manuals for the various items comprising the oil discharge monitoring and control systems are on board the vessel. These manuals shall cover the oil content meter, control, computing or calculating unit, flow meter and ship's speed indicator, where required.

FOOTNOTES: (ADDED BY THE U.S. COAST GUARD FOR CLARITY.)

(1) The "MARPOL 73/78 Convention" is referred to as the MARPOL Protocol" in 33 CFR, Part 157.

(2) Also defined in § 157.03(l).

(3) The Coast Guard has determined that a starting interlock system is not required on Category IV(a) vessels that are 100,000 DWT or less.

(4) The Coast Guard is not publishing this Appendix.

(5) Section 157.11(b)(2) requires at least one discharge point.

(6) Section 157.37(a) requires all overboard discharges of oily mixtures to be monitored.

(7) The "oil content meter" is referred to as a "cargo monitor" in 33 CFR Part 157 and 46 CFR Subpart 162.050.

(8) Approval under 46 CFR Subpart 162.050 constitutes compliance with this resolution. Section 157.12(b) requires that monitors installed on U.S. vessels must be approved under 46 CFR Subpart 162.050.

(9) U.S. vessels are required to meet 46 CFR Parts 110-113, Electrical Engineering Regulations, which also constitutes compliance with IEC Publication 92.

(10) Sections 157.37(a) (3) and (4) impose the same limits. These limits relate to instantaneous rate and total quantity of oil discharged.

(11) Section 157.37(d) also requires that discharge data be kept for three years.

(12) Section 157.37(a)(6) also requires visual observation of the discharge if the system fails.

[CGD 75-124a, 48 FR 45723, Oct. 6, 1983]

PART 158—RECEPTION FACILITIES FOR OIL, NOXIOUS LIQUID SUBSTANCES, AND GARBAGE

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- 158.520 Following the instruction manual.

AUTHORITY: 33 U.S.C. 1903(b); 49 CFR 1.46.

Subpart A—General

SOURCE: CGD 85-010, 52 FR 7761, Mar. 12, 1987, unless otherwise noted.

§ 158.100 Purpose.

This part establishes the following:

(a) Criteria for determining the adequacy of reception facilities.

(b) Procedures for certifying that reception facilities are adequate for receiving—

(1) Residues and mixtures containing oil from oceangoing tankers and any other oceangoing ships of 400 gross tons or more;

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- (2) NLS residue from oceangoing ships; or
- (3) Garbage from ships.
- (c) Standards for ports and terminals to reduce NLS residue.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18407, Apr. 28, 1989]

§ 158.110 Applicability.

(a) Subparts B, C, and E apply to each port and each terminal located in the United States or subject to the jurisdiction of the United States that is—

(1) Used by oceangoing tankers, or any other oceangoing ships of 400 gross tons or more, carrying residues and mixtures containing oil, or by oceangoing ships to transfer NLSs, except those ports and terminals that are used only by—

(i) Tank barges that are not configured and are not equipped to ballast or wash cargo tanks while proceeding enroute;

(ii) Ships carrying NLS operating under waivers under 46 CFR 153.491(b); or

(2) A ship repair yard that services oceangoing ships carrying oil or NLS residue.

(b) Subpart D applies to each port and terminal located in the United States or subject to the jurisdiction of the United States.

[CGD 88-002, 54 FR 18407, Apr. 28, 1989]

§ 158.115 Penalties for violation.

(a) A person who violates MARPOL 73/78, the Act, or the regulations of this part is liable for a civil penalty not to exceed \$25,000 for each violation, as provided by 33 U.S.C. 1908(b)(1). Each day of a continuing violation constitutes a separate violation.

(b) A person who makes a false, fictitious statement or fraudulent representation in any matter in which a statement or representation is required to be made to the Coast Guard under MARPOL 73/78, the Act, or the regulations of this part, is liable for a civil penalty not to exceed \$5,000 for each statement or representation, as provided by 33 U.S.C. 1908(b)(2).

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(c) A person who knowingly violates MARPOL 73/78, the Act, or the regulations of this part is liable for a fine for each violation, of not more than \$50,000 dollars, or imprisonment for not more than 5 years, or both, as provided by 33 U.S.C. 1908(a).

[CGD 88-002, 54 FR 18407, Apr. 28, 1989]

§ 158.120 Definitions and acronyms.

As used in this part:

"Bunker oil" means oil loaded into bunker tanks for use as fuel.

"Captain of the Port" (COTP) means the Coast Guard officer commanding a Captain of the Port Zone described in Part 3 of this chapter.

"Certificate of Adequacy" means a document issued by the Coast Guard or other authorized agency that certifies a port or terminal meets the requirements of this part with respect to reception facilities required under the Act and MARPOL 73/78, and has Form A, Form B, or Form C attached. "Clean ballast" has the same meaning as in § 157.03(e) of this chapter.

"Commandant" means Commandant, U.S. Coast Guard.

"Commercial fishing facility" means docks, piers, processing houses, or other facilities which receive commercial fishery products from ships.

"Daily vessel average" means the total number of oceangoing tankers, or any other oceangoing ships of 400 gross tons or more, carrying residues and mixtures containing oil, service over a typical continuous 12 month period, divided by 365.

"Form A" means the application for a reception facility Certificate of Adequacy for oil, Coast Guard form USCG-CG-5401A (9-85).

"Form B" means the application for a reception facility Certificate of Adequacy for NLS, Coast Guard form USCG-CG-5401B(2-87).

"Form C" means the application for a Certificate of Adequacy for a Reception Facility for Garbage, Coast Guard form USCG-CG-5401C. "Garbage" means all kinds of victual, domestic and operational waste, excluding fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically, except dis-

water, graywater, and those substances that are defined or listed in other annexes to MARPOL 73/78.

"Harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea, and includes any substance subject to control by MARPOL 73/78.

"High viscosity NLS" includes Category A NLSs having a viscosity of at least 25 mPa.s at 20 °C and of at least 25 mPa.s at the time they are unloaded, high viscosity Category B NLSs, and high viscosity Category C NLSs.

"High viscosity Category B NLS" means any Category B NLS having a viscosity of at least 25 mPa.s at 20 °C and at least 25 mPa.s at the time it is unloaded.

"High viscosity Category C NLS" means any Category C NLS having a viscosity of at least 60 mPa.s at 20 °C and at least 60 mPa.s at the time it is unloaded.

"MARPOL Protocol" (MARPOL 73/78) stands for the International Convention for the Prevention of Pollution from Ships, 1973, (done at London, November 2, 1973), as modified by the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships 1973 (done at London on February 17, 1978), as amended, (1985).

"Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes and potentially contaminated laboratory wastes, dialysis wastes, and such additional medical items as prescribed by the Administrator of the EPA by regulation. "Mineral and oil industry shore-base" means a place or onshore structure or facility which is a base of operations for ships serving the mineral and oil industry.

"Noxious liquid substance" (NLS) means—

(1) Each substance listed in § 151.47 or § 151.49 of this chapter;

(2) Each substance having an "A", "B", "C", or "D" beside its name in the column headed "Pollution Category" in Table 1 of 46 CFR Part 153; and

(3) Each substance that is identified as an NLS in a written permission issued under 46 CFR 153.900(d).

"Oceangoing ship" means a ship that—

(1) Is operated under the authority of the United States and engages in international voyages;

(2) Is operated under the authority of the United States and is certificated for ocean service;

(3) Is operated under the authority of the United States and is certificated for coastwise service beyond three miles from land;

(4) Is operated under the authority of the United States and operates at any time seaward of the outermost boundary of the territorial sea of the United States as defined in § 2.05 of this chapter; or

(5) Is operated under the authority of a country other than the United States.

NOTE: A Canadian or U.S. ship being operated exclusively on the Great Lakes of North America or their connecting and tributary waters, or exclusively on the internal waters of the United States and Canada, is not an "oceangoing ship."

"Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse, and refined products (other than petrochemicals that are subject to the provisions of Annex II of MARPOL 73/78) and without limiting the generality of the foregoing, includes the substances listed in Appendix I of Annex I of MARPOL 73/78.

"Person" has the same meaning as in § 151.05(n) of this chapter.

"Person in charge" means an owner, operator, or a person authorized to act on behalf of a port or terminal.

NOTE: The "person in charge" under this part is not necessarily the same person as the "person in charge" referred to in Parts 151, 154, 155, and 156 of this chapter (as defined in § 154.105 of this chapter.)

"Prewash" means a tank washing operation that meets the procedure in 46 CFR 153.1120.

"Port" means—

(1) A group of terminals that combines to act as a unit and be considered a port for the purposes of this part;

(2) A port authority or other organization that chooses to be considered a port for the purposes of this part; or

(3) A place or facility that has been specifically designated as a port by the COTP.

"Reception facility" means anything capable of receiving shipboard residues and mixtures containing oil or NLS residue, or receiving garbage, including, but not limited to—

(1) Fixed piping that conveys residues and mixtures from the ship to a storage or treatment system;

(2) Tank barges, railroad cars, tank trucks, or other mobile facilities;

(3) Containers or other receptacles that are used as temporary storage for garbage; or

(4) Any combination of fixed and mobile facilities. "Recreational boating facility" means a facility that is capable of providing wharfage or other services for 10 or more recreational vessels. It includes, but is not limited to, marinas, boatyards, and yacht clubs, but does not include a place or facility containing only an unattended launching ramp.

"Regulated NLS cargo" includes each Category A or high viscosity or solidifying Category B or C NLS cargo listed in Table 1 of 46 CFR Part 153 that contains a reference to § 153.908(a) or § 153.908(b) in the "Special Requirements" column of that table and is unloaded at the port or terminal within a typical continuous 12 month period either before or after application is made for a Certificate of Adequacy.

"Residues and mixtures containing NLSs" (NLS residue) means—

(1) Any Category A, B, C, or D NLS cargo retained on the ship because it fails to meet consignee specifications;

(2) Any part of a Category A, B, C or D NLS cargo remaining on the ship after the NLS is discharged to the consignee, including but not limited to puddles on the tank bottom and in sumps, clingage in the tanks, and substance remaining in the pipes; or

(3) Any material contaminated with Category A, B, C, or D NLS cargo, including but not limited to bilge slops, ballast, hose drip pan contents, and tank wash water.

"Segregated ballast" has the same meaning as contained in § 157.03(r) of this chapter.

"Ship" means a vessel of any type whatsoever, operating in the marine environment. This includes hydrofoils, air cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating drilling rigs or other platforms.

"Solidifying NLS" means a Category A, B, or C NLS that has a melting point—

(1) Greater than 0 °C but less than 15 °C and a temperature, measured under the procedure in 46 CFR 153.908(d), that is less than 5 °C above its melting point at the time it is unloaded; or

(2) 15 °C or greater and has a temperature, measured under the procedure in 46 CFR 153.908(d), that is less than 10 °C above its melting point at the time it is unloaded.

"Tank barge" has the same meaning as contained in 46 CFR 30.10-65.

"Tanker" means a ship constructed or adapted primarily to carry oil in bulk in the cargo spaces.

"Terminal" means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

NOTE: The Coast Guard interprets commercial fishing facilities, recreational boating facilities, and mineral and oil industry shorebases to be terminals for the purposes of Annex V of MARPOL 73/78, since these facilities normally provide wharfage and other services, including garbage handling for ships. "The Act" means the Act to Prevent Pollution from Ships, as amended, (U.S.C. 1901-1911).

"The Act" means the Act to Prevent Pollution from Ships (94 Stat. 2297, U.S.C. 1901 *et seq.*).

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, amended by CGD 88-002, 54 FR 18407, Apr. 28, 1989]

§ 158.130 Delegations.

Each COTP is delegated the authority to—

(a) Conduct inspections at ports and terminals required to have reception facilities under this part;

(b) Issue Certificates of Adequacy;

(c) Grant waivers under § 158.150;

(d) Designate ports; and

(e) Deny entry of ships to any port or terminal, except when a ship is entering under force majeure, that does not have—

(1) A Certificate of Adequacy if required under § 158.135; or

(2) Reception facilities for garbage required under Subpart D of this part.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989]

§ 158.133 Which ports and terminals must provide reception facilities?

(a) A port or terminal which receives oceangoing tankers, or any other oceangoing ship of 400 gross tons or more, carrying residues and mixtures containing oil, must have a reception facility which meets Subpart B of this part.

(b) A port or terminal which receives oceangoing ships carrying NLSs must have a reception facility which meets Subpart C of this part.

(c) All ports and terminals under the jurisdiction of the United States, including commercial fishing facilities, mineral and oil shorebases, and recreational boating facilities, must have a reception facility which meets Subpart D of this part.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989]

§ 158.135 Which ports and terminals must have Certificates of Adequacy?

To continue to receive ships, a port or terminal must hold one or more Certificates of Adequacy to show compliance with—

(a) Subpart B of this part if it receives oceangoing tankers, or any other oceangoing ship of 400 gross tons or more, carrying residues and mixtures containing oil.

(b) Subpart C of this part if it receives oceangoing ships carrying NLSs.

(c) Subpart D of this part if it receives—

(1) The ships under paragraph (a) or (b) of this section; or

(2) Fishing vessels which offload more than 500,000 pounds of commer-

cial fishery products from all ships during a calendar year.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989]

§ 158.140 Applying for a Certificate of Adequacy.

(a) To continue to receive ships at a port or terminal required by § 158.135 to have a Certificate of Adequacy for its reception facilities, the person in charge must apply to the Coast Guard for a certificate as follows:

(1) Applicants for a Certificate of Adequacy required by § 158.135(a) or (b) must apply to the COTP of the Zone in which the port or terminal is located using Form A or Form B, respectively.

(2) Before August 28, 1989, an applicant for a Certificate of Adequacy required by § 158.135(c) must apply on Form C to: Commandant (G-MPS-1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, Attention: Annex V Reception Facility Desk. On or after August 28, 1989 applicants must apply on Form C to the COTP of the Zone in which the port or terminal is located.

(b) Applications for Certificates of Adequacy, Forms A, B, or C, may be obtained from the local Coast Guard COTP.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989]

§ 158.150 Waivers and alternatives.

(a) If the person in charge believes that a requirement in this part is unreasonable or impracticable for the port's or terminal's operations, the person in charge may submit a request for a waiver to the COTP. This application must—

(1) Be in writing; and

(2) Include the—

(i) Reasons why the requirement is unreasonable or impracticable;

(ii) Proposed alternatives that meet MARPOL 73/78; and

(iii) Additional information requested by the COTP.

(b) If the COTP allows the alternative proposed under paragraph

(a)(2)(ii) of this section, the waiver—

(1) Is in writing; and

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(2) States each alternative that applies and the requirement under this part for which the alternative is substituted.

(c) The person in charge shall ensure that each waiver issued under paragraph (b) of this section is attached to the Certificate of Adequacy issued for the port or terminal.

§ 158.160 Issuance and termination of a Certificate of Adequacy.

(a) After reviewing an application made under § 158.140(a)(1), the COTP determines by inspection the following:

(1) When the application is made on Form A, whether or not the reception facility meets Subpart B of this part.

(2) When the application is made on Form B, whether or not the reception facility and the port, or the reception facility and the terminal, meet Subpart C of this part.

NOTE: If in the instruction manual required by § 158.330(b) there is a certification by a registered professional engineer licensed by a state or the District of Columbia that the backpressure requirements under § 158.330(a) are met, the COTP determines whether or not to accept this finding.

(b) After the inspections under paragraph (a) are conducted, and after consulting with the Administrator of the Environmental Protection Agency (EPA) or his or her designee, the COTP:

(1) Issues a Certificate of Adequacy to the person in charge for the port or terminal; or

(2) Denies the application and informs the person in charge in writing of the reasons for the denial.

(c) After reviewing an application made under § 158.140(a)(2), Commandant (G-MPS-1) or the COTP—

(1) Issues a Certificate of Adequacy to the person in charge for the port or terminal; or

(2) Denies the application and informs the person in charge in writing of the reasons for the denial.

(d) In order to remain valid, the Certificate of Adequacy must have attached to it any waivers that are granted under § 158.150 when the Certificate of Adequacy is issued.

(e) Each Certificate of Adequacy remains valid until—

(1) Suspended;

(2) Revoked; or

(3) This part no longer applies to a port or terminal.

[CGD 88-002, 54 FR 18408, Apr. 28, 1989]

§ 158.163 Reception facility operations.

(a) Each person in charge and each person who is in charge of a reception facility shall ensure that the reception facility does not operate in a manner that violates any requirement under this part.

(b) A copy of the Certificate of Adequacy issued for the port or terminal must be—

(1) At each port and terminal under this part; and

(2) Available for inspection by the COTP and the master, operator, person who is in charge of a ship, or agent for a ship.

(c) Ports and terminals required to have an Operations Manual under this chapter or 46 CFR Chapter 1 must have a copy of the Certificate of Adequacy issued for the port or terminal, including any waivers, attached to that Operations Manual.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18408, Apr. 28, 1989]

§ 158.165 Certificate of Adequacy: Change of information.

(a) Except as required in paragraph (b) of this section, the person in charge shall notify the COTP in writing within 10 days after any information required in section 2, 3A, 3G, 3H, of Form A or section 2, 5A, or 5C of Form B changes.

(b) The person in charge shall notify the COTP in writing within 30 days after any information required in the following is changed:

(1) Form A, sections 1, 3B, 3C, 3F, 3I, or 3J.

(2) Form B, sections 1, 3, 4, 5B, 5E, 5F or 5G.

(3) Form C, sections A1, B1, B2, C4.

(c) The person in charge shall maintain at the port or terminal a copy of the information submitted under paragraphs (a) and (b) of this section, and a corrected Certificate of Adequacy received from the COTP.

[CGD 85-010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 88-002, 54 FR 18409, Apr. 28, 1989]

§ 158.167 Reporting inadequate reception facilities.

Any person may report to the local Coast Guard COTP that reception facilities required by these regulations or MARPOL 73/78 are inadequate. Reports of inadequate reception facilities may be made orally, in writing or by telephone.

[CGD 88-002, 54 FR 18409, Apr. 28, 1989]

SUSPENSION, REVOCATION, AND APPEALS

§ 158.176 Grounds for suspension.

The COTP may suspend a Certificate of Adequacy if—

- (a) Deficiencies recur or significantly affect the adequacy of the reception facility;
- (b) Continued operations will result in undue delay to ships calling at the port or terminal;
- (c) There is a failure to accept NLS residue from a ship after it's cargo tanks are prewashed in accordance with 46 CFR 153.1120; or
- (d) There is a substantial threat of discharge of oil or NLS into or upon the navigable waters of the United States or adjoining shorelines.

§ 158.172 Notification of a suspension order.

(a) If the COTP has grounds for an immediate suspension of or is considering suspending a Certificate of Adequacy, the COTP notifies the person in charge of the intended action. Each notification of a suspension order, whether oral or written, includes—

- (1) The grounds for the suspension;
 - (2) The date when the suspension becomes effective; and
 - (3) Information on how the suspension may be withdrawn, including all corrective actions required.
- (b) If the suspension order is made orally, the COTP issues a suspension order in writing within five days after the initial notification.

§ 158.174 Suspension of a Certificate of Adequacy: Procedure.

(a) If no evidence or arguments are submitted in response to a notification

of a suspension order, the suspension is effective on the date stated in the order.

(b) If any petition for withdrawing a suspension order is submitted in response to a notification of a suspension order, the COTP considers the evidence or arguments and notifies the person in charge of any action taken including—

- (1) Denial of the petition for withdrawing a suspension order;
- (2) Initiation of civil or criminal penalty action under Subpart 1.07 of Part 1 of this chapter; or
- (3) Withdrawing the suspension order.

§ 158.176 Effect of suspension of a Certificate of Adequacy.

After the COTP notifies the person in charge and places a suspension order in effect, the COTP denies entry of ships to the port or terminal while the Certificate of Adequacy is suspended.

§ 158.178 Actions during a suspension.

(a) If a Certificate of Adequacy is suspended for longer than a five day period, the person in charge shall return it to the COTP within five days after the suspension becomes effective.

(b) After the suspension is in effect, the COTP may—

- (1) Terminate the suspension order after receiving information from the person in charge that corrective action has been taken; or
- (2) Revoke the Certificate of Adequacy if no significant action is undertaken by the person in charge to meet any measures ordered by the COTP.

§ 158.180 Certificate of Adequacy: Procedures after revocation or the part no longer applies.

(a) If a Certificate of Adequacy is revoked, the person in charge shall return it to the COTP within five days after the revocation becomes effective.

(b) When this part no longer applies to the port or terminal, the person in charge shall return the Certificate of Adequacy to the COTP within 30 days after this part no longer applies.

(c) After the Certificate of Adequacy has been returned to the COTP under paragraph (a) or (b) of this section, an application for a new Certificate of Adequacy may be submitted under § 158.140.

§ 158.190 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard officer responsible for that action.

(b) Except as provided under paragraph (c) of this section, the person affected who is not satisfied with a ruling after having it reconsidered under paragraph (a) of this section may—

(1) Appeal that ruling in writing within 30 days after the ruling to the Coast Guard District Commander of the district in which the action was taken; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(c) The District Commander issues a ruling after reviewing the appeal submitted under paragraph (b) of this section. Except as provided under paragraph (e) of this section, the person affected who is not satisfied with this ruling may—

(1) Appeal that ruling in writing within 30 days after the ruling to the Chief, Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, DC, 20593; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(d) After reviewing the appeal submitted under paragraph (c) of this section, the Chief, Office of Marine Safety, Security and Environmental Protection issues a ruling which is final agency action.

(e) If the delay in presenting a written appeal has an adverse impact on the operations of the appellant, the appeal under paragraph (b) or (c) of this section—

(1) May be presented orally; and

(2) Must be submitted in writing within five days after the oral presentation—

(i) With the basis for the appeal and a summary of the material presented orally; and

(ii) To the same Coast Guard official who heard the oral presentation.

Subpart B—Criteria for Reception Facilities: Residues and Mixtures Containing Oil

Source: CGD 78-035, 50 FR 36793, Sept. 1, 1985, unless otherwise noted.

§ 158.200 General.

(a) Except as allowed in paragraph (b) of this section, the facility used to meet Regulation 12 of Annex I to MARPOL 73/78 must—

(1) Be a reception facility as defined under § 158.120 that is available at the port or terminal;

(2) Hold each Federal, State, and local permit and license required by environmental laws and regulations concerning residues and mixtures containing oil; and

(3) Be capable of—

(i) Receiving residues and mixtures containing oil from oceangoing ships within 24 hours after notice by that ship;

(ii) Completing the reception of oil ballast from the ship in less than 16 hours after waste transfer operations begin; and

(iii) Completing the reception of other residues and mixtures containing oil in less than 4 hours after the transfer operation begins.

(b) Reception facilities for ship repair yards do not have to meet paragraphs (a)(3)(i) through (a)(3)(iii) of this section, but must be capable of completing transfer of residues and mixtures containing oil from each oceangoing ship before the ship departs from the ship repair yard.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987]

§ 158.210 Ports and terminals loading crude oil.

The reception facility for a crude oil loading port or terminal must have the capacity for receiving—

(a) Sludge from on-board fuel and lubricating oil processing in the

amount of 10 metric tons (11 short tons);

(b) Oily bilge water in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater; and

(c) Oily ballast in the amount of 30% of the deadweight tonnage of the largest of the oceangoing tankers loading crude oil at the port or terminal that do not have clean ballast tanks (CBT), segregated ballast tanks (SBT), or crude oil washing (COW) meeting Part 157 of this subchapter, multiplied by one or the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987]

§ 158.220 Ports and terminals loading more than 1,000 metric tons of oil other than crude oil or bunker oil.

The reception facility for an oil loading port or terminal that loads a daily average of more than 1,000 metric tons (1,100 short tons) of oil other than crude oil or bunker oil to oceangoing tankers must have the capacity for receiving—

(a) Sludge from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons);

(b) Oily bilge water in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater;

(c) Oily ballast in the amount of 30% of the deadweight tonnage of the largest of the oceangoing tankers loading oil other than crude oil or bunker oil, at the port or terminal, that do not have CBT or SBT meeting Part 157 of this chapter, multiplied by one or the daily vessel average, whichever quantity is greater; and

(d) Cargo residue in the amount of 0.2% of the total cargo capacity of the largest of the oceangoing tankers loading oil other than crude oil or bunker oil, at the port or terminal, multiplied by one or the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987]

§ 158.230 Ports and terminals other than ports and terminals under §§ 158.210, 158.220, and 158.240.

Reception facilities for ports and terminals other than those under §§ 158.210, 158.220, and 158.240 of this subpart and those that are used exclusively by non-self-propelled tank barges, must have the capacity for receiving—

(a) Sludge from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons), or 1 metric ton (1.1 short tons) multiplied by the daily vessel average, whichever quantity is greater; and

(b) Oily bilge water in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987]

§ 158.240 Ship repair yards.

The reception facility that services oceangoing ships using a ship repair yard must have a capacity for receiving—

(a) An amount of ballast from bunker tanks, and the wash water and residues from the cleaning of bunker tanks and sludge tanks, equal to 8% of the bunker capacity of the largest oceangoing ship serviced;

(b) An amount of oily solids from cargo tanks equal to 0.1% of the deadweight tonnage of the largest oceangoing tanker serviced;

(c) An amount of oily ballast water and wash water from in-port tank washing equal to—

(1) 1,500 metric tons (1,650 short tons), or;

(2) 4% of the deadweight tonnage of the largest oceangoing tanker serviced; and

(d) An amount of liquid cargo residues based on the following percentages of deadweight tonnage of the largest oceangoing tanker serviced:

(1) For crude oil oceangoing tankers, 1%.

(2) For black product oceangoing tankers, 0.5%

(3) For white product oceangoing tankers, 0.2%

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§ 158.250 Standard discharge connection.

Each reception facility that received oily bilge water must have a standard discharge connection that—

(a) Meets § 155.430 of this subchapter; and

(b) Attaches to each hose or pipe that removes oily bilge water from oceangoing ships.

Subpart C—Criteria for Certifying That a Port's or Terminal's Facilities Are Adequate for Receiving NLS Residue

SOURCE: CGD 85-010, 52 FR 7764, Mar. 12, 1987, unless otherwise noted.

§ 158.300 Purpose.

The purpose of this subpart is to supply the criteria needed for ports and terminals under § 158.110 used by oceangoing ships carrying NLS cargo or NLS residue to meet Regulation 7 of Annex II to MARPOL 73/78.

§ 158.310 Reception facilities: General.

(a) Except as allowed in paragraph (b) of this section, each reception facility, in order to pass the inspection under § 158.160, must—

(1) Be a reception facility as defined under § 158.120;

(2) Be available at the port or terminal;

(3) Meet the requirements of § 158.320;

(4) Hold each Federal, State, and local permit and license required by environmental laws and regulations concerning NLS residue;

(5) Be capable of receiving NLS residue from an oceangoing ship within 24 hours after notice by that ship of the need for reception facilities; and

(6) Be capable of completing the transfer of NLS residue within 10 hours after the transfer of NLS residue begins.

(b) A reception facility for a ship repair yard does not have to meet the requirements of paragraphs (a)(5) and (a)(6) of this section if it is capable of completing transfer of NLS residue from an oceangoing ship before the ship departs from the yard.

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§ 158.320 Reception facilities: Capacity and exceptions.

(a) Except as allowed in paragraph (b) of this section, each day the port or terminal is in operation, the port or terminal must have a reception facility that is capable of receiving—

(1) 75 cubic meters (19,810 gallons) of NLS residue for each regulated NLS cargo that is a solidifying Category A NLS; or

(2) 50 cubic meters (13,210 gallons) of NLS residue for each regulated NLS cargo that is not a solidifying Category A.

(b) The port or terminal need only meet § 158.330 if it is used by ships that only transfer Category B or C NLS cargoes that are not high viscosity or solidifying Category B or C NLSs.

(c) For each category of NLS cargo carried on a ship, each day a ship repair yard is in operation and being used by a ship that must discharge NLS residue in order to proceed with repair work, the ship repair yard must have a reception facility that is capable of receiving—

(1) 50 cubic meters (13,210 gallons) of NLS residue that contains a—

(i) Category A NLS that is not a solidifying NLS;

(ii) Category B NLS; or

(iii) Category C NLS; or

(iv) Category D NLS; or

(2) 75 cubic meters (19,810 gallons) of NLS residue that contains a Category A NLS that is a solidifying NLS cargo.

§ 158.330 Ports and terminals: Equipment.

Each port and terminal except ship repair yards, in order to pass the inspection under § 158.160, must—

(a) At mean low tide and with the ship's manifold 10 feet above the surface of the water, be capable of receiving Category B or C NLS cargo during the stripping operations at an average flow rate of 8 cubic meters (1584 gallons) per hour without the backpressure at the ship's manifold exceeding 101.6 kPa (14.7 pounds per square inch gauge) pressure; and

(b) Have an instruction manual that lists the equipment and procedures for meeting paragraph (a) of this section.

The instruction manual may be made part of the operations manual that is required under § 154.300 of this chapter.

Subpart D—Criteria for Adequacy of Reception Facilities: Garbage

SOURCE: CGD 88-002, 54 FR 18409, Apr. 28, 1989, unless otherwise noted.

§ 158.400 Purpose.

The purpose of this subpart is to supply the criteria for determining the adequacy of reception facilities for garbage at ports and terminals that receive ships and to comply with the Act and Regulation 7 of Annex V to MARPOL 73/78.

§ 158.410 Reception facilities: General.

(a) Except as allowed in paragraph (b) of this section, the person in charge of a port or terminal shall ensure that each port or terminal's reception facility.—

(1) Is capable after August 28, 1989 of receiving APHIS regulated garbage at a port or terminal no later than 24 hours after notice under § 151.65 of this chapter is given to the port or terminal, unless it only receives ships that—

- (i) Operate exclusively within the navigable waters of the United States;
- (ii) Operate exclusively between ports or terminals in the continental United States; or
- (iii) Operate exclusively between continental United States ports or terminals and Canadian ports or terminals.

(2) Is capable of receiving medical wastes or hazardous wastes defined in 40 CFR 261.3, unless the port or terminal operator can provide to the master, operator, or person in charge of a ship, a list of persons authorized by federal, state, or local law or regulation to transport and treat such wastes;

(3) Is arranged so that it does not interfere with port or terminal operations;

(4) Is conveniently located so that mariners unfamiliar with the port or terminal can find it easily and so that its use will not be discouraged;

(5) Is situated so that garbage from ships which has been placed in it cannot readily enter the water; and

(6) Holds each federal, state, and local permit or license required by environmental and public health laws and regulations concerning garbage handling.

(b) A reception facility for a ship repair yard does not have to meet the requirements of paragraph (a)(1) of this section if it is capable of handling the transfer of garbage from a ship before the ship departs from the yard.

NOTE: The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) requires victual wastes or garbage contaminated by victual wastes, except from vessels that operate only between the continental United States and Canadian ports, to be incinerated or sterilized in accordance with their regulations in 7 CFR 330.400 and 9 CFR 94.5.

§ 158.420 Reception facilities: Capacity and exceptions.

Each day a port or terminal is in operation, the person in charge of a port or terminal must provide, or ensure the availability of, a reception facility that is capable of receiving all garbage that the master or person who is in charge of a ship desires to discharge, except—

(a) Large quantities of spoiled or damaged cargoes not usually discharged by a ship; or

(b) Garbage from ships not having commercial transactions with that port or terminal.

Subpart E—Port and Terminal Operations

SOURCE: CGD 85-010, 52 FR 7765, Mar. 12, 1987, unless otherwise noted. Redesignated by CGD 88-002, 54 FR 18409, Apr. 28, 1989.

§ 158.500 Draining cargo area and piping systems.

The person in charge shall ensure that each cargo hose and each piping system containing NLS received from each oceangoing ship carrying NLS cargo is not drained back into the ship.

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§ 158.520 Following the instruction manual.

The person in charge shall ensure that the instruction manual under § 158.330(b) is followed during the transfer of any NLS.

PART 159—MARINE SANITATION DEVICES

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- 159.201 Application.
- 159.205 Criteria for recognition.

AUTHORITY: Sec. 312(b)(1), 86 Stat. 871 (U.S.C. 1322(b)(1)); 49 CFR 1.45(b) and 1.46(l) and (m).

SOURCE: CGD 73-83, 40 FR 4624, Jan. 8, 1975, unless otherwise noted.

Subpart A—General

§ 159.1 Purpose.

This part prescribes regulations governing the design and construction of marine sanitation devices and procedures for certifying that marine sanitation devices meet the regulations and the standards of the Environmental Protection Agency promulgated under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322), to eliminate the discharge of untreated sewage from vessels into the waters of the United States, including the territorial seas. Subpart A of this part contains regulations governing the manufacture and operation of vessels equipped with marine sanitation devices.

§ 159.3 Definitions.

In this part:

(a) "Coast Guard" means the Commandant or his authorized representative.

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pouring, pumping, emitting, emptying, or dumping.

(c) "Existing vessel" includes any vessel, the construction of which was initiated before January 30, 1975.

(d) "Inspected vessel" means any vessel that is required to be inspected under 46 CFR Chapter I.

(e) "Manufacturer" means any person engaged in manufacturing, assembling, or importing of marine sanitation devices or of vessels subject to the standards and regulations promulgated under section 312 of the Federal Water Pollution Control Act.

(f) "Marine sanitation device" and "device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

(g) "New vessel" includes any vessel, the construction of which is initiated on or after January 30, 1975.

(h) "Person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

(i) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(j) "Recognized facility" means any laboratory or facility listed by the Coast Guard as a recognized facility under this part.

(k) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(l) "Territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of 3 miles.

(m) "Uninspected vessel" means any vessel that is not required to be inspected under 46 CFR Chapter I.

(n) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

(o) "Vessel" includes every description of watercraft or other artificial

contrivance used, or capable of being used, as a means of transportation on the waters of the United States.

(p) "Fecal coliform bacteria" are those organisms associated with the intestine of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

(q) "Type I marine sanitation device" means a device that, under the test conditions described in §§ 159.123 and 159.125, produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids.

(r) "Type II marine sanitation device" means a device that, under the test conditions described in §§ 159.126 and 159.126a, produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

(s) "Type III marine sanitation device" means a device that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

§ 159.5 Requirements for vessel manufacturers.

(a) On and after January 30, 1977, no manufacturer may manufacture for sale, offer for sale, or distribute for sale or resale any new vessel equipped with installed toilet facilities unless it is equipped with an operable Type I, II, or III device that has a label placed on it under § 159.16, or that is certified under § 159.12 or § 159.12a.

(b) After January 30, 1980, no manufacturer may manufacture for sale, or offer for sale, or distribute for sale or resale any new vessel equipped with installed toilet facilities unless it is equipped with:

(1) An operable Type II or III device that has a label placed on it under § 159.16 or that is certified under § 159.12 or § 159.12a; or

(2) An operable Type I device installed on the vessel before January 31, 1980, that has a label placed on it

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under § 159.16 or that is certified under § 159.12.

(c) After January 30, 1980, no manufacturer may sell, offer for sale, or distribute for sale or resale any existing vessel equipped with installed toilet facilities unless it is equipped with:

(1) An operable Type II or III device that has a label placed on it under § 159.16 or that is certified under § 159.12 or § 159.12a; or

(2) An operable Type I device installed on the vessel before January 31, 1978, that has a label placed on it under § 159.16 or that is certified under § 159.12.

[CGD 75-213, 41 FR 15326, Apr. 12, 1976, as amended by CGD 76-145, 42 FR 11, Jan. 3, 1977]

§ 159.7 Requirements for vessel operators.

(a) On and after January 30, 1977, no person may operate any new vessel equipped with installed toilet facilities, unless it is equipped with an operable Type I, II or III device that has a label placed on it under § 159.16, or that is certified under § 159.12 or § 159.12a.

(b) After January 30, 1980, no person may operate any new vessel equipped with installed toilet facilities unless it is equipped with:

(1) An operable Type II or III device that has a label placed on it under § 159.16 or that is certified under § 159.12 or § 159.12a; or

(2) An operable Type I device installed on the vessel before January 31, 1980, that has a label placed on it under § 159.16 or that is certified under § 159.12;

(c) After January 30, 1980, no person may operate any existing vessel equipped with installed toilet facilities unless it is equipped with:

(1) An operable Type II or III device that has a label placed on it under § 159.16 or that is certified under § 159.12 or § 159.12a; or

(2) An operable Type I device installed on the vessel before January 31, 1978, that has a label placed on it under § 159.16 or that is certified under § 159.12.

NOTE: The EPA standards state that in freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the

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ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. The EPA standards further state that this shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges. They also state that waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and interconnected waterways, freshwater lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation (40 CFR 140.3).

[CGD 75-213, 41 FR 15325, Apr. 12, 1976, as amended by CGD 76-145, 42 FR 11, Jan. 3, 1977]

Subpart B—Certification Procedures

§ 159.11 Purpose.

This subpart prescribes procedures for certification of marine sanitation devices and authorization for labels on certified devices.

§ 159.12 Regulations for certification of existing devices.

(a) The purpose of this section is to provide regulations for certification of existing devices until manufacturers can design and manufacture devices that comply with this part and recognized facilities are prepared to perform the testing required by this part.

(b) Any Type III device that was installed on an existing vessel before January 30, 1975, is considered certified.

(c) Any person may apply to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001 for certification of a marine sanitation device manufactured before January 30, 1976. The Coast Guard will issue a letter certifying the device if the applicant shows that the device meets § 159.53 by:

(1) Evidence that the device meets State standards at least equal to the standards in § 159.53, or

(2) Test conducted under this part by a recognized laboratory, or

(3) Evidence that the device is substantially equivalent to a device certified under this section, or

(4) A Coast Guard field test if considered necessary by the Coast Guard.

(d) The Coast Guard will maintain and make available a list that identifies each device certified under this section.

(e) Devices certified under this section in compliance with § 159.53 need not meet the other regulations in this part and may not be labeled under § 159.16.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976; CGD 82-063a, 48 FR 4776, Feb. 3, 1983; CGD 88-052, 53 FR 25122, July 1, 1988]

§ 159.12a Certification of certain Type III devices.

(a) The purpose of this section is to provide regulations for certification of certain Type III devices.

(b) Any Type III device is considered certified under this section if:

(1) It is used solely for the storage of sewage and flushwater at ambient air pressure and temperature; and

(2) It is in compliance with § 159.53(c).

(c) Any device certified under this section need not comply with the other regulations in this part except as required in paragraphs (b)(2) and (d) of this section and may not be labeled under § 159.16.

(d) Each device certified under this section which is installed aboard an inspected vessel must comply with § 159.97.

[CGD 76-145, 42 FR 11, Jan. 3, 1977]

§ 159.14 Application for certification.

(a) Any manufacturer may apply to any recognized facility for certification of a marine sanitation device. The application for certification must indicate whether the device will be used aboard all vessels or only aboard uninspected vessels and to which standard in § 159.53 the manufacturer requests the device to be tested.

(b) An application may be in any format but must be in writing and must be signed by an authorized repre-

sentative of the manufacturer and include or be accompanied by:

(1) A complete description of the manufacturer's production quality control and inspection methods, record keeping systems pertaining to the manufacture of marine sanitation devices, and testing procedures;

(2) The design for the device, including drawings, specifications and other information that describes the materials, construction and operation of the device;

(3) The installation, operation, and maintenance instructions for the device; and

(4) The name and address of the applicant and the manufacturing facility.

(c) The manufacturer must furnish the recognized facility one device of each model for which certification is requested and samples of each material from which the device is constructed, that must be tested destructively under § 159.117. The device furnished is for the testing required by this part except that, for devices that are not suited for unit testing, the manufacturer may submit the design so that the recognized facility may determine the components of the device and materials to be submitted for testing and the tests to be performed at a place other than the facility. The Coast Guard must review and accept all such determinations before testing is begun.

(d) At the time of submittal of an application to a recognized facility the manufacturer must notify the Coast Guard of the type and model of the device, the name of the recognized facility to which application is being made, and the name and address of the manufacturer, and submit a signed statement of the times when the manufacturer will permit designated officers and employees of the Coast Guard to have access to the manufacturer's facilities and all records required by this part.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

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§ 159.15 Certification.

(a) The recognized facility must evaluate the information that is submitted by the manufacturer in accordance with § 159.14(b) (1), (2), and (3), evaluate the device for compliance with §§ 159.53 through 159.95, test the device in accordance with § 159.101 and submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001 the following:

(1) The information that is required under § 159.14(b);

(2) A report on compliance evaluation;

(3) A description of each test;

(4) Test results; and

(5) A statement, that is signed by the person in charge of testing, that the test results are accurate and complete.

(b) The Coast Guard certifies a test device, on the design of the device, if it determines, after consideration of the information that is required under paragraph (a) of this section, that the device meets the requirements in Subpart C of this part.

(c) The Coast Guard notifies the manufacturer and recognized facility of its determination under paragraph (b) of this section. If the device is certified, the Coast Guard includes a certification number for the device. If certification is denied, the Coast Guard notifies the manufacturer and recognized facility of the requirements of this part that are not met. The manufacturer may appeal a denial to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001.

(d) If upon re-examination of the test device, the Coast Guard determines that the device does not in fact comply with the requirements of Subpart C of this part, it may terminate the certification.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976; CGD 82-063a, 48 FR 4776, Feb. 3, 1983; CGD 88-052, 53 FR 25122, July 1, 1988]

§ 159.16 Authorization to label devices.

(a) When a test device is certified under § 159.15(b), the Coast Guard will issue a letter that authorizes the manufacturer to label each device that he manufactures with the manufac-

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turer's certification that the device is in all material respects substantially the same as a test device certified by the U.S. Coast Guard pursuant to section 312 of the Federal Water Pollution Control Act Amendments of 1972.

(b) Certification placed on a device by its manufacturer under this section is the certification required by section 312(h)(4) of the Federal Water Pollution Control Act Amendments of 1972, which makes it unlawful for a vessel that is subject to the standards and regulations promulgated under the Act to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to section 312 of the Act.

(c) Letters of authorization issued under this section are valid for 5 years, unless sooner suspended, withdrawn, or terminated and may be reissued upon written request of the manufacturer to whom the letter was issued.

(d) The Coast Guard, in accordance with the procedure in 46 CFR 2.75, may suspend, withdraw, or terminate any letter of authorization issued under this section if the Coast Guard finds that the manufacturer is engaged in the manufacture of devices labeled under this part that are not in all material respects substantially the same as a test device certified pursuant to this part.

§ 159.17 Changes to certified devices.

(a) The manufacturer of a device that is certified under this part shall notify the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001 in writing of any change in the design of the device.

(b) A manufacturer shall include with a notice under paragraph (a) of this section a description of the change, its advantages, and the recommendation of the recognized facility as to whether the device remains in all material respects substantially the same as the original test device.

(c) After notice under paragraph (a) of this section, the Coast Guard notifies the manufacturer and the recognized facility in writing of any tests that must be made for certification of the device or for any change in the

letter of authorization. The manufacturer may appeal this determination to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593-0001.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 82-063a, 48 FR 4776, Feb. 3, 1983; CGD 88-052, 53 FR 25122, July 1, 1988]

§ 159.19 Testing equivalency.

(a) If a test required by this part may not be practicable or necessary, a manufacturer may apply to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593-0001 for deletion or approval of an alternative test as equivalent to the test requirements in this part. The application must include the manufacturer's justification for deletion or the alternative test and any alternative test data.

(b) The Coast Guard notifies the manufacturer of its determination under paragraph (a) of this section and that determination is final.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 82-063a, 48 FR 4776, Feb. 3, 1983; CGD 88-052, 53 FR 25122, July 1, 1988]

Subpart C—Design, Construction, and Testing

§ 159.51 Purpose and scope.

(a) This subpart prescribes regulations governing the design and construction of marine sanitation devices.

(b) Unless otherwise authorized by the Coast Guard each device for which certification under this part is requested must meet the requirements of this subpart.

§ 159.53 General requirements.

A device must:

(a) Under the test conditions described in §§ 159.123 and 159.125, produce an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids (Type I).

(b) Under the test conditions described in §§ 159.126 and 159.126a, produce an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and sus-

pended solids not greater than 150 milligrams per liter (Type II), or

(c) Be designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage (Type III).

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

§ 159.55 Identification.

(a) Each production device must be legibly marked in accordance with paragraph (b) of this section with the following information:

- (1) The name of the manufacturer.
- (2) The name and model number of the device.
- (3) The month and year of completion of manufacture.
- (4) Serial number.
- (5) Whether the device is certified for use on an inspected or an uninspected vessel.
- (6) Whether the device is Type I, II, or III.

(b) The information required by paragraph (a) of this section must appear on a nameplate attached to the device or in lettering on the device. The nameplate or lettering stamped on the device must be capable of withstanding without loss of legibility the combined effects of normal wear and tear and exposure to water, salt spray, direct sunlight, heat, cold, and any substance listed in § 159.117(b) and (c). The nameplate and lettering must be designed to resist efforts to remove them from the device or efforts to alter the information stamped on the nameplate or the device without leaving some obvious evidence of the attempted removal or alteration.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

§ 159.57 Installation, operation, and maintenance instructions.

(a) The instructions supplied by the manufacturer must contain directions for each of the following:

- (1) Installation of the device in a manner that will permit ready access to all parts of the device requiring routine service and that will provide any

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flue clearance necessary for fire safety.

(2) Safe operation and servicing of the device so that any discharge meets the applicable requirements of § 159.53.

(3) Cleaning, winter layup, and ash or sludge removal.

(4) Installation of a vent or flue pipe.

(5) The type and quantity of chemicals that are required to operate the device, including instructions on the proper handling, storage and use of these chemicals.

(6) Recommended methods of making required plumbing and electrical connections including fuel connections and supply circuit overcurrent protection.

(b) The instructions supplied by the manufacturer must include the following information:

(1) The name of the manufacturer.

(2) The name and model number of the device.

(3) Whether the device is certified for use on an inspected, or uninspected vessel.

(4) A complete parts list.

(5) A schematic diagram showing the relative location of each part.

(6) A wiring diagram.

(7) A description of the service that may be performed by the user without coming into contact with sewage or chemicals.

(8) Average and peak capacity of the device for the flow rate, volume, or number of persons that the device is capable of serving and the period of time the device is rated to operate at peak capacity.

(9) The power requirements, including voltage and current.

(10) The type and quantity of fuel required.

(11) The duration of the operating cycle for unitized incinerating devices.

(12) The maximum angles of pitch and roll at which the device operates in accordance with the applicable requirements of § 159.53.

(13) Whether the device is designed to operate in salt, fresh, or brackish water.

(14) The maximum hydrostatic pressure at which a pressurized sewage re-

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tention tank meets the requirements of § 159.111.

(15) The maximum operating level of liquid retention components.

(16) Whether the device is Type I, II, or III.

(17) A statement as follows:

NOTE: The EPA standards state that in freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. The EPA standards further state that this shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges. They also state that waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and interconnected waterways, freshwater lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation (40 CFR 140.3).

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15325, Apr. 12, 1976]

§ 159.59 Placard.

Each device must have a placard suitable for posting on which is printed the operating instructions, safety precautions, and warnings pertinent to the device. The size of the letters printed on the placard must be one-eighth of an inch or larger.

§ 159.61 Vents.

Vents must be designed and constructed to minimize clogging by either the contents of the tank or climatic conditions such as snow or ice.

§ 159.63 Access to parts.

Each part of the device that is required by the manufacturer's instructions to be serviced routinely must be readily accessible in the installed position of the device recommended by the manufacturer.

§ 159.65 Chemical level indicator.

The device must be equipped with one of the following:

(a) A means of indicating the amount in the device of any chemical that is necessary for its effective operation.

(b) A means of indicating when chemicals must be added for the proper continued operation of the device.

§ 159.67 Electrical component ratings.

Electrical components must have current and voltage ratings equal to or greater than the maximum load they may carry.

§ 159.69 Motor ratings.

Motors must be rated to operate at 50° C ambient temperature.

§ 159.71 Electrical controls and conductors.

Electrical controls and conductors must be installed in accordance with good marine practice. Wire must be copper and must be stranded. Electrical controls and conductors must be protected from exposure to chemicals and sewage.

§ 159.73 Conductors.

Current carrying conductors must be electrically insulated from non-current carrying metal parts.

§ 159.75 Overcurrent protection.

Overcurrent protection must be provided within the unit to protect sub-components of the device if the manufacturer's recommended supply circuit overcurrent protection is not adequate for these subcomponents.

§ 159.79 Terminals.

Terminals must be solderless lugs with ring type or captive spade ends, must have provisions for being locked against movement from vibration, and must be marked for identification on the wiring diagram required in § 159.57. Terminal blocks must be non-absorbent and securely mounted. Terminal blocks must be provided with barrier insulation that prevents contact between adjacent terminals or metal surfaces.

§ 159.81 Baffles.

Baffles in sewage retention tanks, if any, must have openings to allow liquid and vapor to flow freely across the top and bottom of the tank.

§ 159.83 Level indicator.

Each sewage retention device must have a means of indicating when the device is more than $\frac{3}{4}$ full by volume.

§ 159.85 Sewage removal.

The device must be designed for efficient removal of nearly all of the liquid and solids in the sewage retention tank.

§ 159.87 Removal fittings.

If sewage removal fittings or adapters are provided with the device, they must be of either 1½" or 4" nominal pipe size.

§ 159.89 Power interruption: Type I and II devices.

A discharge device must be designed so that a momentary loss of power during operation of the device does not allow a discharge that does not meet the requirements in § 159.53.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

§ 159.93 Independent supporting.

The device must have provisions for supporting that are independent from connecting pipes.

§ 159.95 Safety.

(a) Each device must—

(1) Be free of design defects such as rough or sharp edges that may cause bodily injuries or that would allow toxic substances to escape to the interior of the vessel;

(2) Be vented or provided with a means to prevent an explosion or over pressurization as a result of an accumulation of gases; and

(3) Meet all other safety requirements of the regulations applicable to the type of vessel for which it is certified.

(b) A chemical that is specified or provided by the manufacturer for use in the operation of a device and is de-

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defined as a hazardous material in 46 CFR Part 146 must be certified by the procedures in 46 CFR Part 147.

(c) Current carrying components must be protected from accidental contact by personnel operating or routinely servicing the device. All current carrying components must as a minimum be of drip-proof construction or be enclosed within a drip-proof compartment.

§ 159.97 Safety: inspected vessels.

The Commandant approves the design and construction of devices to be certified for installation and operation on board inspected vessels on the basis of tests and reports of inspection under the applicable marine engineering requirements in Subchapter F of Title 46, Code of Federal Regulations, and under the applicable electrical engineering requirements in Subchapter J of Title 46 Code of Federal Regulations.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

§ 159.101 Testing: general.

Unless otherwise authorized by the Coast Guard, a recognized facility must perform each test described in §§ 159.103 through 159.131. The same device must be used for each test and tested in the order in which the tests are described. There must be no cracking, softening, deterioration, displacement, breakage, leakage or damage of components or materials that affects the operation or safety of the device after each test described in §§ 159.103 through 159.117 and § 159.121, and the device must remain operable after the test described in § 159.119. The device must be set up in a manner simulating installation on a vessel in accordance with the manufacturer's instructions with respect to mounting, water supply, and discharge fittings.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

§ 159.103 Vibration test.

The device, with liquid retention components, if any, filled with water to one-half of their volume, must be

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subjected to a sinusoidal vibration for a period of 12 hours, 4 hours in each of the x, y, and z planes, at the resonant frequency of the device (or at 55 cycles per second if there is no resonant frequency between 10 to 80 hertz) and with a peak amplitude of 0.019 to 0.021 inches.

§ 159.105 Shock test.

The device, with liquid retention components, if any, filled with water to half of their volume, must be subjected to 1,000 vertical shocks that are ten times the force of gravity (10g) and have a duration of 20-25 milliseconds measured at the base of the half-sine shock envelope.

§ 159.107 Rolling test.

(a) The device, with liquid retention components, if any, filled with water to half of their volume, must be subjected to 100 cycles with the axis of rotation 4 feet from the centerline of the device, no more than 6 inches below the plane of the bottom of the device, and parallel to any tank baffles. The device must then be rotated 90 degrees on its vertical axis and subjected to another 100 cycles. This testing must be repeated with the liquid retention components filled to the maximum operating level as specified by the manufacturer in § 159.57.

(b) Eighty percent of the rolling action must be approximately 15 degrees on either side of the vertical and at a cyclic rate of 3 to 4 seconds. Twenty percent motions must be approximately 30 degrees, or the maximum angle specified by the manufacturer under § 159.57, whichever is greater, on either side of the vertical at a cyclic rate of 6 to 8 seconds.

§ 159.109 Pressure test.

Any sewage retention tank that is designed to operate under pressure must be pressurized hydrostatically at a pressure head of 7 feet or to 150 percent of the maximum pressure specified by the manufacturer for operation of the tank, whichever is greater. The tank must hold the water at this pressure for 1 hour with no evidence of leaking.

§ 159.111 Pressure and vacuum pulse test.

Liquid retention components of the device with manufacturer specified venting installed must be subjected to 50 fillings of water at a pressure head of 7 feet or the maximum pressure specified by the manufacturer for operation of the device, whichever is greater, and then emptied with a 45 gallon per minute or larger positive displacement pump that remains in operation 30 seconds after emptying the tank at the end of each cycle.

§ 159.115 Temperature range test.

(a) The device must be held at a temperature of 60° C or higher for a period of 16 hours.

(b) The device must be held at a temperature of -40° C or less for a period of 16 hours following winterization in accordance with manufacturers' instructions.

§ 159.117 Chemical resistance test.

(a) In each case where the recognized facility doubts the ability of a material to withstand exposure to the substances listed in paragraphs (b) and (c) of this section a sample of the material must be tested.

(b) A sample referred to in paragraph (a) of this section must be partially submerged in each of the following substances for 100 hours at an ambient temperature of 22° C.

(1) Sewage.

(2) Any disinfectant that is required in the operation of the device.

(3) Any chemical compound in solid, liquid or gaseous form, used, emitted or produced in the operation of the device.

(4) Fresh or salt (3.5 percent Sodium Chloride) flush water.

(5) Toilet bowl cleaners.

(6) Engine Oil (SAE/30).

(7) Ethylene Glycol.

(8) Detergents (household and bilge cleaning type).

(c) A sample of the material must be doused 20 times, with a 1 hour drying period between dousings, in each of the following substances:

(1) Gasoline.

(2) Diesel fuel.

(3) Mineral spirits.

(4) Turpentine.

(5) Methyl alcohol.

§ 159.119 Operability test; temperature range.

The device must operate in an ambient temperature of 5° C with inlet operating fluid temperature varying from 2° C to 32° C and in an ambient temperature of 50° C with inlet operating fluid temperature varying from 2° C to 32° C.

§ 159.121 Sewage processing test.

(a) The device must process human sewage in the manner for which it is designed when tested in accordance with this section. There must be no sewage or sewage-treating chemicals remaining on surfaces or in crevices that could come in contact with a person using the device or servicing the device in accordance with the instructions supplied under § 159.57(b)(7).

(b) During the test the device must be operated and maintained in accordance with the manufacturer's instructions. Any initial start-up time specified by the manufacturer must be allowed before test periods begin. For 1 hour of each 8-hour test period, the device must be tilted to the maximum angles specified by the manufacturer under §§ 159.55 and 159.57.

(c) Except for devices described in paragraph (d) of this section, the devices must process and discharge or store human sewage over at least an 8-consecutive hour period on at least 10 days within a 20-day period. The device must receive human sewage consisting of fecal matter, urine, and toilet paper in a ratio of four urinations to one defecation with at least one defecation per person per day. Devices must be tested at their average rate of capacity as specified in § 159.57. In addition, during three periods of each day the system must process sewage at the peak capacity for the period of time it is rated at peak capacity.

(d) A device that processes and discharges continuously between individual use periods or a large device, as determined by the Coast Guard, must process and discharge sewage over at least 10-consecutive days at the average daily capacity specified by the manufacturer. During three periods of

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each day the system must process sewage at the peak capacity for the period of time it is rated at peak capacity. The sewage for this test must be fresh, domestic sewage to which primary sludge has been added, as necessary, to create a test sewage with a minimum of 500 milligrams of suspended solids per liter.

§ 159.123 Colliform test: Type I devices.

(a) The arithmetic mean of the fecal colliform bacteria in 38 of 40 samples of effluent discharged from a Type I device during the test described in § 159.121 must be less than 1000 per 100 milliliters when tested in accordance with 40 CFR Part 136.

(b) The 40 samples must be taken from the device as follows: During each of the 10-test days, one sample must be taken at the beginning, middle, and end of an 8-consecutive hour period with one additional sample taken immediately following the peak capacity processing period.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

§ 159.125 Visible floating solids: Type I devices.

During the sewage processing test (§ 159.121) 40 effluent samples of approximately 1 liter each shall be taken from a Type I device at the same time as samples taken in § 159.123 and passed expeditiously through a U.S. Sieve No. 12 as specified in ASTM E-11-70. The weight of the material retained on the screen after it has been dried to a constant weight in an oven at 103° C. must be divided by the volume of the sample and expressed as milligrams per liter. This value must be 10 percent or less of the total suspended solids as determined in accordance with 40 CFR Part 136 or at least 38 of the 40 samples.

NOTE: 33 U.S.C. 1321(b)(3) prohibits discharge of harmful quantities of oil into or upon the navigable waters of the United States or adjoining shorelines or into or upon the waters of the contiguous zone. Under 40 CFR 110.3 and 110.4 such discharges of oil include discharges which:

(a) Violate applicable water quality standards, or

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(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. If a sample contains a quantity of oil determined to be harmful, the Coast Guard will not certify the device.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

§ 159.126 Colliform test: Type II devices.

(a) The arithmetic mean of the fecal colliform bacteria in 38 of 40 samples of effluent from a Type II device during the test described in § 159.121 must be 200 per 100 milliliters or less when tested in accordance with 40 CFR Part 136.

(b) The 40 samples must be taken from the device as follows: During each of the 10 test days, one sample must be taken at the beginning, middle and end of an 8-consecutive hour period with one additional sample taken immediately following the peak capacity processing period.

[CGD 75-213, 41 FR 15326, Apr. 12, 1976]

§ 159.126a Suspended solids test: Type II devices.

During the sewage processing test (§ 159.121) 40 effluent samples must be taken at the same time as samples are taken for § 159.126 and they must be analyzed for total suspended solids in accordance with 40 CFR Part 136. The arithmetic mean of the total suspended solids in 38 of 40 of these samples must be less than or equal to 150 milligrams per liter.

[CGD 75-213, 41 FR 15326, Apr. 12, 1976]

§ 159.127 Safety colliform count: Recirculating devices.

Thirty-eight of forty samples of flush fluid from a recirculating device must have less than 240 fecal colliform bacteria per 100 milliliters. These samples must be collected in accordance with § 159.123(b) and tested in accordance with 40 CFR Part 136.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 75-213, 41 FR 15326, Apr. 12, 1976]

§ 159.129 Safety: Ignition prevention test.

(a) Components of a device that are a potential ignition source in an explosive atmosphere must pass the test in paragraph (b) or (c) of this section or meet the requirements of paragraph (d) or have a specific warning in the instruction manual required by § 159.57 that the device should not be installed in an explosive atmosphere.

(b) Components protected by vapor exclusion must be placed in a chamber filled with a rich mixture of gasoline or propane in air with the pressure being varied from 0 to 2 psig once an hour for 8 hours. Vapor readings must be taken in the void being protected and must indicate a leakage less than 20 percent of the lower explosive limit of the mixture in the chamber.

(c) Components providing ignition protection by means other than vapor exclusion must be fitted with an ignition source, such as a spark plug, and a means of injecting an explosive mixture of gasoline or propane and air into the void that protects the component. Connections must be made so as to minimize any additional volume added to the protected void by the apparatus delivering the explosive mixture. The component must be placed in a chamber filled with an explosive mixture and there must be no ignition of the explosive mixture surrounding the component when the following tests are conducted:

(1) Using any overload protection that is part of the device, the potential ignition source must be operated for one half hour at 110 percent of its rated voltage, one half hour at 50 percent of its rated voltage and one half hour at 100 percent of its rated voltage with the motor or armature locked, if the potential ignition source is a motor or part of a motor's electrical circuit.

(2) With the explosive mixture in the protected void, the test installed ignition source must be activated 50 times.

(3) The tests paragraphs (c) (1) and (2) of this section must be repeated with any plugs removed.

(d) Components that are certified as being intrinsically safe in accordance with the Instrument Society of America (RP 12.2) or explosion proof in ac-

cordance with the Underwriters Laboratories STD 698 in Class I, Group D hazardous locations (46 CFR 111.80-5(a)) need not be subjected to this testing.

§ 159.131 Safety: Incinerating device.

An incinerating device must not incinerate unless the combustion chamber is closed, must purge the combustion chamber of combustible fuel vapors before and after incineration must secure automatically if the burner does not ignite, must not allow an accumulation of fuel, and must neither produce a temperature on surfaces adjacent to the incineration chamber higher than 67° C nor produce a temperature on surfaces in normal body contact higher than 41° C when operating in an ambient temperature of 25° C. Unitized incineration devices must completely burn to a dry, inert ash, a simultaneous defecation and urination and must not discharge fly ash, malodors, or toxic substances.

Subpart D—Recognition of Facilities**§ 159.201 Application.**

(a) To apply for listing as a recognized facility under this part, a facility must apply to the Commandant (G-MVI), U.S. Coast Guard Headquarters, Washington, DC 20593-0001 and include:

(1) Name and address;

(2) A description of the applicant's capability to perform the tests and evaluations that are required by this part, including information on personnel qualifications, equipment, materials, and facilities; and

(3) A signed statement that the Coast Guard may inspect the facility to verify its qualification and inspect the records on certification of marine sanitation devices.

(b) An applicant under paragraph (a) of this section must submit any other information the Coast Guard requests for the determination of the facilities's qualification as a recognized facility.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 82-063a, 48 FR 4776, Feb. 3, 1983; CGD 88-052, 53 FR 25122, July 1, 1988]

§ 159.205 Criteria for recognition.

To qualify for and retain recognition as a recognized facility, a facility must meet the criteria in this section.

(a) The facility must maintain an organization chart that shows the personnel structure and the relationship between administration, operation, and quality control for the testing of marine sanitation devices.

(b) The facility must maintain a quality control program and a quality control manual that describes that program and the responsibilities of personnel for the testing of marine sanitation devices, including:

- (1) Receiving, handling, and shipping procedures;
- (2) Test procedures;
- (3) The calibration system;
- (4) The test report system;
- (5) Certification procedures and standards;
- (6) The record and filing system; and
- (7) The standards and filing system for subcontracts.

(c) The facility must maintain a master file that contains the Coast Guard standards, reference standards, and the facility's test standards that apply to the testing of marine sanitation devices.

(d) The facility must maintain the shipping and receiving information for each device, including:

- (1) The date of receipt;
- (2) The name of the manufacturer;
- (3) The type of device;
- (4) A record of the visible condition of the device upon receipt; and
- (5) Any other information that is necessary to accurately record and positively identify each device that is received.

(e) The facility must follow written procedures for tests of devices. These written procedures must be available for examination upon the request of the Coast Guard.

(f) The facility must maintain data sheets and test equipment lists for all inspections and tests of devices. These must be in sufficient detail for complete verification and evaluation of the operations and objectives, including:

- (1) The date and name of the test, the name of the supervising engineer,

the manufacturer and description of the test device;

(2) A detailed explanation of the results of each phase of tests and any unusual occurrences; and

(3) The signature of the technician who performs each test.

(g) The facility must maintain a list of the test equipment that it uses and the date of the last calibration of that equipment.

(h) The facility must maintain and document a calibration program and ensure the degree of accuracy as follows:

(1) The accuracy of all measurement instrument standards must be traceable to the primary standards of the National Bureau of Standards. This traceability may be through reference standards that are certified for accuracy and stability by the National Bureau of Standards.

(2) The normal accuracy of the reference standard must be at least four times as great as that of the facility's instrument that is being calibrated. All equipment must be calibrated at least once a year or in accordance with the recommended schedule of the instrument manufacturer of the National Bureau of Standards.

(3) The facility must maintain documentation of the calibration standards and test equipment.

(4) If the facility performs its own calibration, it must maintain written calibration procedures, maintenance information, a record of the values that are recorded during calibration, and the standards and equipment that are used for the calibration.

(5) If the facility does not perform its own calibration, it is responsible for the accuracy of the calibrations.

(i) The facility must have no conflict of interest. The Coast Guard's determination on the conflict of interest questions is final. Except as provided in paragraph (j) of this section, conflict of interest is defined as follows:

(1) The loss or award of a specific contract to test marine sanitation devices is not a substantial factor for the financial well being of the facility;

(2) The facility's personnel are free of the influence or control of manufacturers, suppliers, or vendors; and

(3) The facility is not involved in the promotion of a marine sanitation device.

(j) If the uniqueness or size of a device requires testing by a facility that may not meet all the criteria for conflict of interest in paragraph (i) of this section, a manufacturer may apply to the Commandant (G-MVI), U.S. Coast Guard Washington, DC 20593-0001 to allow the facility to conduct the tests.

(k) If a recognized facility subcontracts for any testing, it must apply to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593-0001 for authorization and include the justification for the subcontracting. The recognized facility is responsible for the accuracy and completeness of all tests by a subcontractor.

[CGD 73-83, 40 FR 4624, Jan. 30, 1975, as amended by CGD 82-063a, 48 FR 4776, Feb. 3, 1983; CGD 88-052, 53 FR 25122, July 1, 1988]

SUBCHAPTER P—PORTS AND WATERWAYS SAFETY

PART 160—PORTS AND
WATERWAYS SAFETY—GENERAL

Subpart A—General

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- 160.215 Notice of hazardous conditions.

AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46.

SOURCE: CGD 79-026, 48 FR 35404, Aug. 4, 1983, unless otherwise noted.

Subpart A—General

§ 160.1 Purpose.

(a) This subchapter contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

§ 160.3 Definitions.

(a) For the purposes of this subchapter:

(1) "Commandant" means the Commandant of the United States Coast Guard.

(2) "District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District described in Part 3 of this chapter.

(3) "Captain of the Port" means the Coast Guard officer commanding a Captain of the Port zone described in Part 3 of this chapter.

(4) "Person" means an individual, firm, corporation, association, partnership, or governmental entity.

(5) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Trust Territories of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(6) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(7) "Vehicle" means every type of conveyance capable of being used as a means of transportation on land.

§ 160.5 Delegations.

(a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(b) Under the provisions of §§ 6.04-1 and 6.04-6 of this chapter, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

(c) Under the provisions of § 1.05-1 of this chapter, District Commanders have been delegated authority to establish regulated navigation areas.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 88-037, 53 FR 21815, June 10, 1988]

§ 160.7 Appeals.

(a) Any person directly affected by a safety zone or an order or direction issued under this subchapter may request reconsideration by the official who issued it or in whose name it was issued. This request may be made

orally or in writing, and the decision of the official receiving the request may be rendered orally or in writing.

(b) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a Captain of the Port may appeal to the District Commander through the Captain of the Port. The appeal must be in writing, except as allowed under paragraph (d) of this section, and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the District Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the District Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the District Commander may, as a matter of discretion, allow oral presentation on the issues.

(c) Any person directly affected by the establishment of a safety zone or by an order or direction issued by a District Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b) of this section, may appeal through the District Commander to the Chief, Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, D.C. 20593. The appeal must be in writing, except as allowed under paragraph (d) of this section. The District Commander forwards the appeal, all the documents and evidence which formed the record upon which the order or direction was issued or the ruling under paragraph (b) of this section was made, and any comments which might be relevant, to the Chief, Office of Marine Safety, Security and Environmental Protection. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials to the Chief, Office of Marine Safety, Security

and Environmental Protection. The decision of the Chief, Office of Marine Safety, Security and Environmental Protection is based upon the materials submitted, without oral argument or presentation. The decision of the Chief, Office of Marine Safety, Security and Environmental Protection is issued in writing and constitutes final agency action.

(d) If the delay in presenting a written appeal would have significant adverse impact on the appellant, the appeal under paragraphs (b) and (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the presentation was made. The written appeal must contain, at a minimum, the basis for the appeal and a summary of the material presented orally. If requested, the official to whom the appeal is directed may stay the effect of the action while the ruling is being appealed.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

Subpart B—Control of Vessel and Facility Operations

§ 160.101 Purpose.

This subpart describes the authority exercised by District Commanders and Captains of the Ports to insure the safety of vessels and waterfront facilities, and the protection of the navigable waters and the resources therein. The controls described in this subpart are directed to specific situations and hazards.

§ 160.103 Applicability.

(a) This subpart applies to any—

(1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(2) Bridge or other structure on or in the navigable waters of the United States; and

(3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(c) Except pursuant to international treaty, convention, or agreement, to which the United States is a party, this subpart does not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in:

(1) Innocent passage through the territorial sea of the United States;

(2) Transit through the navigable waters of the United States which form a part of an international strait.

§ 160.105 Compliance with orders.

Each person who has notice of the terms of an order issued under this subpart must comply with that order.

§ 160.107 Denial of entry.

Each District Commander or Captain of the Port, subject to recognized principles of international law, may deny entry into the navigable waters of the United States or to any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, to any vessel not in compliance with the provisions of the Port and Tanker Safety Act (33 U.S.C. 1221-1232) or the regulations issued thereunder.

§ 160.109 Waterfront facility safety.

(a) To prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters, and to protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss, each District Commander or Captain of the Port may:

(1) Direct the handling, loading, unloading, storage, and movement (including the emergency removal, control and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 4417a of the Revised Statutes, as amended (46 U.S.C. 391a) on any structure on or in the navigable waters

of the United States, or any land structure or shore area immediately adjacent to those waters; and

(2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

§ 160.111 Special orders applying to vessel operations.

Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when:

(a) The District Commander or Captain of the Port has reasonable cause to believe that the vessel is not in compliance with any regulation, law or treaty;

(b) The District Commander or Captain of the Port determines that the vessel does not satisfy the conditions for vessel operation and cargo transfers specified in § 160.113; or

(c) The District Commander or Captain of the Port has determined that such order is justified in the interest of safety by reason of weather, visibility, sea conditions, temporary port congestion, other temporary hazardous circumstances, or the condition of the vessel.

§ 160.113 Prohibition of vessel operation and cargo transfers.

(a) Each District Commander or Captain of the Port may prohibit any vessel subject to the provisions of section 4417a of the Revised Statutes (46 U.S.C. 391a) from operating in the navigable waters of the United States, or from transferring cargo or residue in any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, if the District Commander or the Captain of the Port determines that the vessel's history of accidents, pollution incidents, or serious repair problems creates reason to believe that the vessel may be unsafe or pose a threat to the marine environment.

(b) The authority to issue orders prohibiting operation of the vessels or transfer of cargo or residue under paragraph (a) of this section also applies if the vessel:

(1) Fails to comply with any applicable regulation;

(2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(3) Does not comply with applicable vessel traffic service requirements;

(4) While underway, does not have at least one licensed deck officer on the navigation bridge who is capable of communicating in the English language.

(c) When a vessel has been prohibited from operating in the navigable waters of the United States under paragraphs (a) or (b) of this section, the District Commander or Captain of the Port may allow provisional entry into the navigable waters of the United States, or into any port or place under the jurisdiction of the United States and within the district or zone of that District Commander or Captain of the Port, if the owner or operator of such vessel proves to the satisfaction of the District Commander or Captain of the Port, that the vessel is not unsafe or does not pose a threat to the marine environment, and that such entry is necessary for the safety of the vessel or the persons on board.

(d) A vessel which has been prohibited from operations in the navigable waters of the United States, or from transferring cargo or residue in a port or place under the jurisdiction of the United States under the provisions of paragraph (a) or (b)(1), (2) or (3) of this section, may be allowed provisional entry if the owner or operator proves, to the satisfaction of the District Commander or Captain of the Port that has jurisdiction, that the vessel is no longer unsafe or a threat to the environment, and that the condition which gave rise to the prohibition no longer exists.

§ 160.115 Withholding of clearance.

Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke the clearance required by 46 U.S.C. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1332.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983; 48 FR 39059, Aug. 29, 1983]

Subpart C—Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes

§ 160.201 Applicability and exceptions to applicability.

(a) This subpart prescribes notification requirements for U.S. and foreign vessels bound for or departing from ports or places in the United States.

(b) This part does not apply to recreational vessels under 46 U.S.C. 4301 et seq. and, except § 160.215, does not apply to passenger and supply vessels when they are employed in the exploration for or in the removal of oil, gas, or mineral resources on the continental shelf.

(c) Sections 160.207 and 160.209 do not apply to the following:

(1) Each vessel of less than 1600 gross tons, except foreign vessels of less than 1600 gross tons entering ports or places in the Miami Captain of the Port Zone as described in § 3.35-10(b) of this chapter.

(2) Each vessel operating exclusively within a Captain of the Port zone.

(3) Each vessel operating upon a route that is described in a schedule that is submitted to the Captain of the Port for each port or place of destination listed in the schedule at least 24 hours in advance of the first date and time of arrival listed on the schedule and contains:

(i) Name, country of registry, and call sign or official number of the vessel;

(ii) Each port or place of destination; and

(iii) Dates and times of arrivals and departures at those ports or places.

(4) Each vessel arriving at a port or place under force majeure.

(5) Each vessel entering a port of call in the United States in compliance with the Automated Mutual Assistance Vessel Rescue System (AMVER).

(6) Each vessel entering a port of call in the United States in compliance with the U.S. Flag Merchant Vessel Locator Filing System (USMER).

(7) Each barge.

(8) Each public vessel.

(9) United States or Canadian flag vessels, except tank vessels or vessels carrying certain dangerous cargo, which operate solely on the Great Lakes.

(d) Sections 160.207, 160.211, and 160.213 apply to each vessel upon the waters of the Mississippi River between its mouth and mile 235, Lower Mississippi River, above Head of Passes. Sections 160.207, 160.211, and 160.213 do not apply to each vessel upon the waters of the Mississippi River between its sources and mile 235, above Head of Passes, and all the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989]

§ 160.203 Definitions.

As used in this subpart:

Agent means any person, partnership, firm, company or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

Carried in bulk means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

Certain dangerous Cargo includes any of the following:

(a) Class A explosives, as defined in 46 CFR 146.20-7 and 49 CFR 173.53.

(b) Oxidizing materials or blasting agents for which a permit is required under 49 CFR 176.415.

(c) Highway route controlled quantity radioactive material, as defined in 49 CFR 173.403(1), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.455(a)(3).

(d) Each cargo under Table 1 of 46 CFR Part 153 when carried in bulk.

(e) Any of the following when carried in bulk:

Acetaldehyde
Ammonia, anhydrous
Butadiene
Butane
Butene

Butylene Oxide

Chlorine

Ethane

Ethylene

Ethylene Oxide

Methane

Methyl Acetylene, Propadiene Mixture, Stabilized

Methyl Bromide

Methyl Chloride

Phosphorous, elemental

Propane

Propylene

Sulfur Dioxide

Vinyl Chloride

Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

Hazardous condition means any condition that could adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable water of the United States. This condition could include but is not limited to, fire, explosion, grounding, leaking, damage, illness of a person on board, or a manning shortage.

Port or place of departure means any port or place in which a vessel is anchored or moored.

Port or place of destination means any port or place to which a vessel is bound to anchor or moor.

Public vessel means a vessel owned by and being used in the public service of the United States. This definition does not include a vessel owned by the United States and engaged in a trade or commercial service or a vessel under contract or charter to the United States.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 84-039, 50 FR 8614, Mar. 4, 1985; 50 FR 9426, Mar. 8, 1985]

§ 160.205 Waivers.

The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirements of this subpart for any vessel or class of vessels upon finding that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for pur-

poses of safety, environmental protection, or national security.

§ 160.207 Notice of arrival: Vessels bound for ports or places in the United States.

(a) The owner, master, agent or person in charge of a vessel on a voyage of 24 hours or more shall report under paragraph (c) of this section at least 24 hours before entering the port or place of destination.

(b) The owner, master, agent, or person in charge of a vessel on a voyage of less than 24 hours shall report under paragraph (c) of this section before departing the port or place of departure.

(c) The Captain of the Port of the port or place of destination in the United States must be notified of:

(1) The name, country of registry, and call sign or official number of the vessel;

(2) The name of the port or place of departure;

(3) The name of the port or place of destination; and

(4) The estimated time of arrival at the port or place.

If the estimated time of arrival changes by more than six hours from the latest reported time, the Captain of the Port must be notified of the correction as soon as the change is known.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989]

§ 160.209 [Reserved]

§ 160.211 Notice of arrival: Vessels carrying certain dangerous cargo.

(a) The owner, master, agent, or person in charge of a vessel, except a barge, bound for a port or place in the United States carrying certain dangerous cargo shall notify the Captain of the Port of the port or place of destination at least 24 hours before entering that port or place of:

(1) The name, country of registry, and call sign or official number of the vessel;

(2) The location of the vessel at the time of the report;

(3) The name of each certain dangerous cargo carried;

(4) The amount of each certain dangerous cargo carried;

(5) The stowage location of each certain dangerous cargo;

(6) The operational condition of the equipment under § 164.35 of this chapter;

(7) The name of the port or place of destination; and

(8) The estimated time of arrival at that port or place.

If the estimated time of arrival changes by more than six hours from the latest reported time; the Captain of the Port must be notified of the correction as soon as the change is known.

(b) The owner, master, agent or person in charge of a barge bound for a port or place in the United States carrying certain dangerous cargo shall report the information required in paragraphs (a)(1) through (a)(8) of this section to the Captain of the Port of the port or place of destination at least 4 hours before entering that port or place.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989]

§ 160.213 Notice of departure: Vessels carrying certain dangerous cargo.

(a) The owner, master, agent, or person in charge of a vessel, except a barge, departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo shall notify the Captain of the Port or place of departure at least 24 hours before departing, unless this notification was made within 2 hours after the vessel's arrival, of—

(1) The name, country of registry, and call sign or official number of the vessel;

(2) The name of each certain dangerous cargo carried;

(3) The amount of each certain dangerous cargo carried;

(4) The stowage location of each certain dangerous cargo carried;

(5) The operational condition of the equipment under § 164.35 of this chapter;

(6) The name of the port or place of departure; and

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(7) The estimated time of departure from the port or place.

If the estimated time of departure changes by more than six hours from the latest reported time, the Captain of the Port must be notified of the correction as soon as the change is known.

(b) The owner, master, agent, or person in charge of a barge departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo shall report the information required in paragraphs (a)(1) through (a)(7) of this section to the Captain of the Port of the port or place of departure at least 4 hours before departing, unless this report was made within 2 hours after the barge's arrival.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989]

§ 160.215 Notice of hazardous conditions.

Whenever there is a hazardous condition on board a vessel, the owner, master, agent or person in charge shall immediately notify the Captain of the Port of the port or place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

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AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46.

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Subpart A—[Reserved]

Subpart B—Vessel Traffic Services

PUGET SOUND VESSEL TRAFFIC SERVICE

Source: Sections 161.101 through 161.187, CGD-85-092, 52 FR 7858, Mar. 13, 1987, unless otherwise noted.

GENERAL RULES

§ 161.101 Purpose and applicability.

(a) Sections 161.101 through 161.187 prescribe rules for vessel operation in the Puget Sound Vessel Traffic Service Area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.101 through 161.105 and 161.107 through 161.110, the Use of Designated Frequency Rule in § 161.114, and the TSS Rules in §§ 161.150 through 161.156 apply to the operation of all vessels.

(c) The Requirement to Carry Regulations Rule in § 161.106, the Communications Rules in §§ 161.112 through 161.126, the Vessel Movement Reporting Rules in §§ 161.127 through 161.137, the Vessel Speed and Wake Control Rule in § 161.157, and the Rosario Strait Rules in §§ 161.170 through 161.174 apply only to the operation of:

(1) Each vessel of 300 or more gross tons that is propelled by machinery;

(2) Each vessel of 100 or more gross tons that is carrying one or more passengers for hire;

(3) Each commercial vessel of 26 feet or over in length engaged in towing another vessel astern, alongside, or by pushing ahead;

(4) Each dredge and floating plant; and

(5) Each small passenger carrying vessel certificated in accordance with 46 CFR Part 175 through 187 (Subchapter T) when carrying more than six passengers for hire.

(d) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83).

unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD-85-092, 52 FR 7858, Mar. 13, 1987, as amended by CGD 86-082, 52 FR 33811, Sept. 8, 1987]

§ 161.103 Definitions.

As used in §§ 161.101 through 161.187:

"Commercial Vessel" means any vessel operating in return for payment or other type of compensation.

"Cooperative Vessel Traffic Management System (CVTMS)" means the system of vessel traffic management established and jointly operated by Canada and the United States within the waters of the CVTMS Area.

"Cooperative Vessel Traffic Management System Area (CVTMS Area)". For the purpose of these rules, the CVTMS Area consists of the waters from a point in the Pacific Ocean at 48°23'30" N., 124°48'37" W.; thence due east to the Washington State coast at Cape Flattery; thence southeastward along the Washington coastline to New Dungeness Light; thence northerly to Puget Sound Traffic Lane Entrance Lighted Buoy "S"; thence to Rosario Strait Traffic Lane Entrance Lighted Horn Buoy "R"; thence to Hein Bank Lighted Bell Buoy; thence to Cattle Point Light on San Juan Island; thence along the shoreline to Lime Kiln Light; thence to Kellett Bluff Light on Henry Island; thence to Turn Point Light on Stuart Island; thence to Skipjack Island Light; thence to Sucia Island Daybeacon 1; thence along the shoreline of Sucia Island to a point at 48°46'06" N., 122°53'30" W.; thence to Clements Reef Buoy "2"; thence to Alden Bank Lighted Gong Buoy "A"; thence to Birch Point at 48°56'33" N., 122°49'18" W.; thence along the shoreline to a point where the shoreline intersects the 49° north parallel of latitude; thence due west to the Canadian shoreline at Maple Beach; thence along the shoreline around Point Roberts to a point where the shoreline

intersects the 49° north parallel of latitude at Boundary Bluff; thence due west to a point at 49°00'00" N., 123°19'14" W.; thence southerly to Active Pass Light; thence to East Point on Saturna Island; thence to Point Fairfax Light on Moresby Island; thence to Discovery Island Light; thence to Trail Island Light; thence to Brothie Ledge Light; thence to Albert Head Light; thence westward along the Canadian shoreline to the intersection of the shoreline with 48°35'45" N., near Bonilla Point; thence due west to a point at 48°35'45" N., 124°47'30" W.; thence southerly along a rhumb line to the starting point at 48°23'30" N., 124°48'37" W.

"ETA" means estimated time of arrival.

"Floating Plant" means any vessel, other than a vessel underway and making way, engaged in any construction, manufacturing, or exploration operation, and which may restrict the navigation of other vessels.

"Person" means an individual, firm, corporation, association, partnership, and governmental entity.

"Precautionary Area" means a routing measure comprising an area within defined limits where ships must navigate with particular caution, and within which the direction of traffic flow may be recommended.

"Separation Zone" means an area of the TSS separating the opposing traffic lanes.

"Traffic Lane" means an area of the TSS within defined limits in which one-way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

"Traffic Separation Scheme (TSS)" means the routing measure aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes.

"Vessel" means every description of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

"Vessel Traffic Center (VTC)" means the shore-based facility that operates the Puget Sound Vessel Traffic Service.

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"Vessel Traffic Service Area (VTS Area)" means the area described in § 161.180.

§ 161.104 Vessel operation in the VTS Area.

No person, except those authorized to do so under § 161.108 and § 161.110, may cause or authorize the operation of a vessel in the VTS Area contrary to the rules contained in §§ 161.101 through 161.187.

§ 161.105 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions to control and supervise traffic, and may specify times when vessels may enter, move within or through, or depart from ports, harbors, or other waters in the VTS Area.

(b) When a vessel is navigating in a unsafe manner or with improperly functioning equipment, the VTC may direct the vessel's movement, including directing it to anchor or moor.

(c) The master, pilot, or person directing the movement of a vessel in the VTS Area shall comply with each direction issued to him under this section.

§ 161.106 Requirement to carry regulations.

(a) The master of a vessel listed in § 161.101(c) shall ensure that a copy of the current Puget Sound Vessel Traffic Service regulations, Title 33, Code of Federal Regulations, Sections 161.101 through 161.187 (33 CFR 161.101 through 161.187), is available on board the vessel when it is in the VTS Area.

(b) The Puget Sound Vessel Traffic Service User's Manual includes the VTS regulations and guidelines for the efficient operation of the VTS system. The manual may be obtained free-of-charge from: Commanding Officer, Puget Sound Vessel Traffic Service, 1519 Alaskan Way S., Seattle, WA 98134.

§ 161.107 Laws and regulations not affected.

Nothing in §§ 161.101 through 161.187 is intended to relieve any

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person from complying with any other applicable laws or regulations.

§ 161.108 Authorization to deviate from these rules.

(a) Where these regulations require a particular procedure, the Commander, Thirteenth Coast Guard District, may, upon written request, authorize any other procedure for use in U.S. waters if it is determined that such other procedure provides a level of safety equivalent to that provided by the required procedure. An application for an authorization must state the need and fully describe the proposed procedure.

(b) The VTC, may, upon request, issue an authorization to deviate from any rule in §§ 161.101 through 161.187 for a voyage or part of a voyage on which a vessel is embarked or about to embark.

(Approved by the Office of Management and Budget under control number 2115-0540)

§ 161.110 Emergencies.

In an emergency, the master, pilot, or person directing the movement of a vessel, may deviate from any rule in §§ 161.101 through 161.187 to the extent necessary to avoid endangering persons, property, or the environment, and shall report the deviation to the VTC as soon as possible.

COMMUNICATIONS RULES

§ 161.112 Radio listening watch.

(a) When underway, or anchored or moored to a buoy when Gale Warnings (forecast for winds ranging from 34-48 knots) or greater are in effect, in the VTS Area, the master, pilot, or person directing the movement of a vessel shall ensure that a radiotelephone listening watch is maintained on the appropriate frequency designated in § 161.114, except when transmitting on that frequency.

(b) The radio listening watch required by paragraph (a) of this section may be maintained in a location other than the vessel's navigational bridge when the vessel is anchored or moored to a buoy.

§ 161.113 Radiotelephone equipment.

The master, pilot, or person directing the movement of a vessel shall ensure all reports and communications required by §§ 161.101 through 161.187 are made from the navigational bridge of the vessel, or, in the case of a dredge, at its main control station, except when anchored or moored to a buoy as provided in § 161.112(b). Such reports and communications must be made to the VTC on its designated frequency using a radiotelephone that is maintained in effective operating condition.

§ 161.114 Use of the designated frequency.

(a) In accordance with Federal Communication Commission regulations, no person may use the frequency or frequencies designated in this section to transmit any information other than information necessary for the safety of vessel traffic.

(b) All transmissions on the VTS frequencies shall be initiated on low power, if available; high power may only be used if low power communications are unsuccessful.

(c) The following frequencies must be used when communicating with the VTC:

(1) Primary frequency: 156.700 MHz (channel 14).

(2) Secondary frequency (to be used if communication not possible on primary frequency): 156.650 MHz (channel 13).

§ 161.116 Time.

Each report required by §§ 161.101 through 161.187 must specify time using:

(a) The zone time in effect in the VTS Area; and

(b) The 24-hour clock system.

§ 161.118 English language.

Each report required by §§ 161.101 through 161.187 must be made in the English language.

§ 161.120 Radiotelephone equipment failure.

(a) If the radiotelephone required by § 161.112 ceases to operate, the master shall ensure that it is restored to operating condition as soon as possible.

The failure of a vessel's radiotelephone equipment, while the vessel is underway, shall not in itself constitute a violation of these rules, nor shall it obligate the vessel to moor or anchor; however, required reports shall be made by other means, if possible.

(b) A vessel that cannot meet the radiotelephone requirements of these rules may not enter or get underway in the VTS Area without permission from the VTC.

(c) Paragraph (a) of this section does not relieve compliance with the radio equipment requirement in § 161.174(a)(2) for vessels operating in Rosario Strait.

§ 161.122 Report of radio failure.

Whenever the master, pilot, or person directing the movement of a vessel deviates from any rule in §§ 161.101 through 161.187 because of a radio failure, the deviation and radio failure shall be reported to the VTC as soon as possible.

§ 161.124 Report of impairment to the operation of the vessel.

The master, pilot, or person directing the movement of a vessel in the VTS Area shall report to the VTC as soon as possible:

(a) Any condition on the vessel that may impair its navigation such as fire or defective propulsion machinery, defective steering equipment, defective radar, defective gyrocompass, defective echo depth sounding device, defective communications equipment, or defective navigational lighting.

(b) Any tow that the towing vessel is unable to control, or can control only with difficulty.

(c) When involved in a grounding, collision, or ramming of a fixed or floating object.

VESSEL MOVEMENT REPORTING RULES

§ 161.127 Local harbor report.

(a) When a vessel moves within a three mile radius of its point of departure in the VTS Area, the movement is a local harbor movement. A vessel making a local harbor movement is exempted from the reporting requirements for Initial report (§ 161.128),

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Underway report (§ 161.131), and Final report (§ 161.136).

(b) At least 5 minutes, but not more than 45 minutes, before a vessel makes a local harbor movement, as described under paragraph (a) of this section, the master, pilot, or person directing the movement of a vessel shall report, or cause to be reported, the following information to the VTC:

- (1) Name and type of vessel.
- (2) Position of departure.
- (3) Time of departure.
- (4) Destination and ETA.
- (5) General description of operation to be performed.

(c) The master, pilot, or person directing the movement of a vessel shall report, or cause to be reported, any changes from the information reported under paragraph (b) of this section, except that departing or ETA times must be reported only if they vary by 15 minutes or more from the report.

§ 161.128 Initial report.

(a) Except as provided in paragraphs (b) and (c) of this section, at least 5 minutes, but not more than 45 minutes, before a vessel enters or begins to navigate in the VTS Area the master, pilot, or person directing the movement of the vessel shall report the following information to the VTC:

- (1) Name and type of vessel.
- (2) Point of entry in the VTS Area.
- (3) Estimated time of entering or beginning to navigate in the VTS Area.
- (4) Destination, ETA at destination, and route in the VTS Area.
- (5) Anticipated vessel speed in knots.
- (6) Whether or not the vessel intends to use the TSS.

(7) Whether or not any dangerous cargo listed in Part 160, Subpart C of this chapter is on board the vessel or its tow.

(8) Any impairment to the operation of the vessel as described in § 161.124.

(9) Any planned maneuvers that may impede traffic.

(b) Vessels making movements that require Local harbor reports (§ 161.127) are exempt from making this report.

(c) Vessels that will be entering from the CVTMS Area and have previously reported the above information to an-

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other VTC are exempt from making this report.

§ 161.131 Underway report.

As soon as a vessel enters or begins to navigate in the VTS Area, the master, pilot, or person directing the movements of the vessel shall report the following to the VTC:

- (a) Vessel name.
- (b) Vessel location.

§ 161.132 Calling-in-point report.

When directed to do so by the VTC, the master, pilot, or person directing the movement of a vessel shall report, on either a one-time basis, or as a series of reports:

- (a) Vessel name.
- (b) Vessel location.

§ 161.134 Follow-up report.

The master, pilot, or person directing the movement of a vessel shall report to the VTC, as soon as possible, any information which has changed since the previous report, including, but not limited to, ETA, speed, destination, and route.

§ 161.136 Final report.

No later than 30 minutes after a vessel anchors, moors in, or departs from the VTS Area, the master, pilot, or person directing the movement of a vessel shall report the place and time of anchoring, mooring, or departing to the VTC.

§ 161.137 Ferry vessels.

A ferry vessel operating in the VTS Area on a schedule and route, both of which have been previously furnished to the VTC, need not comply with Initial report (§ 161.128), Underway report (§ 161.131), Follow-up report (§ 161.134), and Final report (§ 161.136); however, the master, pilot, or person directing the movement of a ferry must report the following information to the VTC at least 5 minutes, but not more than 10 minutes prior to each departure from a ferry terminal:

- (a) The name of the ferry vessel.
- (b) Point of departure of the ferry vessel.
- (c) Destination of the ferry vessel.

§ 161.143 Tank vessel navigation restrictions.

Tank vessels larger than 125,000 deadweight tons bound for a port or place in the United States may not operate in waters of the United States east of the line extending from Discovery Island Light to New Dungeness Light and all points in the Puget Sound area north and south of these lights.

TRAFFIC SEPARATION SCHEME RULES

§ 161.150 Vessel operation in the TSS.

The master, pilot, or person directing the movement of a vessel in the TSS shall operate the vessel in accordance with the TSS rules prescribed in §§ 161.152 through 161.156.

§ 161.152 Direction of traffic.

(a) A vessel proceeding in the TSS must keep the separation zone to port.

(b) A vessel in a precautionary area, except the "RB" precautionary area or any temporary precautionary area, must keep the center of the precautionary area to port.

§ 161.154 Anchoring in the TSS.

No vessel may anchor in the TSS.

§ 161.156 Joining, leaving, and crossing a traffic lane.

(a) A vessel crossing a traffic lane must, to the extent possible, maintain a course that is perpendicular to the direction of the flow of traffic in the traffic lane.

(b) A vessel joining or leaving a traffic lane must steer a course to converge on or diverge from the direction of traffic flow in the traffic lane at as small an angle as possible.

§ 161.157 Vessel speed and wake control.

When the tide exceeds a stage of 11.0 feet at Seattle, all vessels listed in § 161.101(c), operating in the waters of the VTS Area, must proceed at a speed that will minimize the risk of wake damage while maintaining the ability to maneuver safely.

ROSARIO STRAIT RULES

§ 161.170 Communication in Rosario Strait.

Before a vessel meets, overtakes, or crosses ahead of any vessel listed in § 161.101(c), in Rosario Strait, the master, pilot, or person directing the movement of a vessel shall transmit the intentions of his vessel to the master of the other vessel on the frequency designated under the Bridge-to-Bridge Radiotelephone Act for the purpose of arranging safe passage.

§ 161.172 Report before entering Rosario Strait.

At least 15 minutes before a vessel enters the TSS at Rosario Strait, the master, pilot, or person directing the movement of the vessel shall report the vessel's ETA at, and point of entry in, Rosario Strait to the VTC by radiotelephone.

§ 161.174 Entering Rosario Strait.

(a) A vessel may not enter or get underway in Rosario Strait unless:

(1) The report required by § 161.172 has been made;

(2) The radio equipment on the vessel that is used to transmit the reports required by §§ 161.101 through 161.187 is operable;

(3) During periods of visibility of 2 miles or less, the radar on a vessel equipped with radar is in operation and manned; and

(4) The vessel is free of any conditions that may impair its navigation such as fire or defective propulsion machinery, defective steering equipment, defective radar, defective gyrocompass, defective echo depth sounding device, defective communications equipment, or defective navigational lighting.

(b) A vessel of 75,000 deadweight tons or above may not enter or get underway in Rosario Strait unless permission to enter is obtained from the VTC.

DESCRIPTIONS AND GEOGRAPHIC
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§ 161.180 VTS Area.

The VTS Area consists of the navigable waters of the United States which are inside of a line drawn from New Dungeness Light northerly to Puget Sound Traffic Lane Entrance Lighted Buoy "S"; thence to Rosario Strait Traffic Lane Entrance Lighted Buoy "R"; thence to Hein Bank Lighted Bell Buoy; thence to Cattle Point Light on San Juan Island; thence along the shoreline to Lime Kiln Light; thence to Keliatt Bluff Light on Henry Island; thence to Turn Point Light on Stuart Island; thence to Skipjack Island Light; thence to Sucia Island Daybeacon 1; thence along the shoreline of Sucia Island to a point at 48°46.1' N., 122°53.3' W.; thence to Clements Reef Buoy "2"; thence to Alden Bank Lighted Gong Buoy "A"; thence northerly to the westernmost tip of Birch Point at 48°56.6' N., 122°49.2' W.

§ 161.183 Separation zones.

(a) Each separation zone is 500 yards wide and centered on a line that extends from one point to another, or through several points, described in paragraph (c) of this section.

(b) Two boundaries of each separation zone are parallel to its centerline and extend to and intersect with the boundary of a precautionary area. No part of any separation zone is contained in a precautionary area.

(c) The latitudes and longitudes describing the centerline of the separation zone are:

(1) Between the Port Angeles precautionary area and "SA",

(i) 48°12'22" N., 123°06'30" W.

(ii) 48°11'37" N., 122°52'40" W.

(2) Between the Port Angeles precautionary area and "RA",

(i) 48°16'26" N., 123°06'30" W.

(ii) 48°19'06" N., 123°00'09" W.

(3) Between precautionary area "RA" and "SA",

(i) 48°18'45" N., 122°57'30" W.

(ii) 48°13'04" N., 122°51'24" W.

(4) Between precautionary area "RA" and "RB",

(i) 48°20'26" N., 122°57'01" W.

(ii) 48°24'14" N., 122°48'00" W.

(iii) 48°25'28" N., 122°46'23" W.

(5) Between precautionary area "RB" and "SA",

(i) 48°25'12" N., 122°44'40" W.

(ii) 48°24'10" N., 122°44'12" W.

(iii) 48°13'22" N., 122°48'55" W.

(6) Between precautionary area "SA" and "SC",

(i) 48°10'48" N., 122°46'58" W.

(ii) 48°06'48" N., 122°39'36" W.

(iii) 48°02'28" N., 122°38'20" W.

(7) Between precautionary area "SC" and "SE",

(i) 48°01'20" N., 122°37'37" W.

(ii) 47°57'53" N., 122°34'42" W.

(iii) 47°55'46" N., 122°30'14" W.

(8) Between precautionary area "SE" and "SF",

(i) 47°54'49" N., 122°29'17" W.

(ii) 47°46'31" N., 122°26'23" W.

(9) Between precautionary area "SF" and "SG",

(i) 47°45'19" N., 122°26'21" W.

(ii) 47°40'19" N., 122°27'38" W.

(10) Between precautionary area "SG" and "T",

(i) 47°39'05" N., 122°27'42" W.

(ii) 47°35'12" N., 122°27'06" W.

(11) Between precautionary area "T" and "TC",

(i) 47°33'59" N., 122°26'47" W.

(ii) 47°26'53" N., 122°24'12" W.

(iii) 47°23'07" N., 122°21'08" W.

(iv) 47°19'54" N., 122°26'37" W.

(12) Between precautionary area "CA" and "C",

(i) 48°44'15" N., 122°45'39" W.

(ii) 48°41'39" N., 122°43'34" W.

§ 161.185 Traffic lanes.

(a) Except as provided in paragraph (c) of this section, each traffic lane consists of the area within two parallel boundaries that are 1000 yards apart and that extend to, and intersect with, the boundary of a precautionary area. One of these parallel boundaries is parallel to and 250 yards from the centerline of a separation zone.

(b) No part of any traffic lane is contained in a precautionary area.

(c) The traffic lane in Rosario Strait consists of the area enclosed by a line beginning at 48°26'50" N., 122°43'27" W.; thence northerly to 48°36'06" N., 122°44'56" W.; thence northeasterly to 48°39'18" N., 122°42'42" W.; thence westerly and northwesterly along the boundary of precautionary area "C" to

48°39'37" N., 122°43'58" W.; thence southerly to 48°38'24" N., 122°44'08" W.; thence southwesterly to 48°36'08" N., 122°45'44" W.; thence southerly to 48°29'30" N., 122°44'41" W.; thence southwesterly to 48°27'37" N., 122°45'27" W.; thence northeasterly and southeasterly along the boundary of precautionary area "RB" to the point of beginning.

§ 161.187 Precautionary areas.

The precautionary areas consist of:

(a) Port Angeles precautionary area. An area enclosed by a line beginning on the shoreline at New Dungeness Spit at 48°11'00" N., 123°06'30" W.; thence due north to 48°17'10" N., 123°06'30" W.; thence southwesterly to 48°10'00" N., 123°27'38" W.; thence due south to the shorelines, thence along the shoreline to the point of beginning. (Note: the Port Angeles precautionary area lies within the CVTMS Area.)

(b) Precautionary area "RA". A circular area of 2,500 yards radius centered at 48°19'46" N., 122°58'34" W.

(c) Precautionary area "RB". A circular area of 2,500 yards radius centered at 48°26'24" N., 122°45'12" W. (The center of precautionary area "RB" is not marked by a buoy.)

(d) Precautionary area "C". A circular area of 2,500 yards radius centered at 48°40'34" N., 122°42'44" W.

(e) Precautionary area "CA". A circular area of 2,500 yards radius centered at 48°45'19" N., 122°46'26" W.

(f) Precautionary area "SA". A circular area of 4,000 yards radius centered at 48°11'28" N., 122°49'43" W.

(g) Precautionary area "SC". A circular area of 1,250 yards radius centered at 48°01'52" N., 122°38'05" W.

(h) Precautionary area "SE". A circular area of 1,250 yards radius centered at 47°55'25" N., 122°29'29" W.

(i) Precautionary area "SF". A circular area of 1,250 yards radius centered at 47°45'55" N., 122°26'11" W.

(j) Precautionary area "SG". A circular area of 1,250 yards radius centered at 47°39'42" N., 122°27'48" W.

(k) Precautionary area "T". A circular area of 1,250 yards radius centered at 47°34'34" N., 122°27'00" W.

(l) Precautionary area "TC". A circular area of 1,250 yards radius centered at 47°19'30" N., 122°27'19" W.

JUAN DE FUCA REGION COOPERATIVE VESSEL TRAFFIC MANAGEMENT SYSTEM

SOURCE: CGD-79-131, 54 FR 15175, Apr. 17, 1989]

GENERAL RULES

§ 161.200 Purpose.

Sections 161.200 to 161.266 prescribe rules for vessel operation in the Cooperative Vessel Traffic Management System (CVTMS) Area of the Juan de Fuca region. These rules are intended to enhance safe and expeditious vessel traffic movement, to prevent groundings and collisions, and to minimize the risk of property damage and pollution to the marine environment.

§ 161.201 Applicability.

(a) The CVTMS is established as a program jointly managed by the United States and Canada. The CVTMS Area is divided into zones, each of which is administered solely by the United States or Canada. The appropriate Vessel Traffic Management Center administers, within its zone, the regulations issued by both nations. Each set of regulations applies only to the waters over which the issuing nation has jurisdiction and each nation will enforce only its own set of regulations. With the exception of the vessels listed in § 161.202, the United States' regulations apply in the CVTMS Area to:

(1) Each vessel of 30 meters or more in length;

(2) Each vessel that is engaged in towing alongside or astern, or in pushing ahead, one or more vessels or objects, other than fishing gear, where:

(i) The combined overall length of the vessel towing, the towing apparatus, and the vessel or object towed is 45 meters or more; or

(ii) The vessel or object towed is 20 meters or more in overall length.

(b) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North

American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

§ 161.202 Vessel exemptions.

The rules contained in §§ 161.212 through 161.236 do not apply to:

- (a) Fishing vessels of less than 300 gross tons;
- (b) Unmanned vessels or vessels which are being towed or pushed, or;
- (c) Vessels engaged in towing or pushing within a booming ground.

§ 161.203 Definitions.

As used in §§ 161.200 through 161.266:

"Authority" means the Commissioner of the Canadian Coast Guard or the Commandant of the United States Coast Guard.

"Berth" means any wharf, pier, anchorage, or mooring buoy.

"Cooperative Vessel Traffic Management Center (CVTMC)" means the shorebased facility established by the appropriate Authority for managing vessel traffic in the CVTMS.

"Cooperative Vessel Traffic Management Center direction (CVTMC direction)" means an instruction issued by a vessel traffic management center to one or more ships, for the purpose of managing vessel traffic.

"Cooperative Vessel Traffic Management System (CVTMS)" means the system of vessel traffic management established and jointly operated by Canada and the United States within the waters of the CVTMS Area.

"Cooperative Vessel Traffic Management System Area (CVTMS Area)" means the waters described in § 161.254.

"ETA" means estimated time of arrival.

"National vessel traffic service" means a vessel traffic service which is operated and administered solely by Canada or the United States and is not a part of the Cooperative Vessel Traffic Management System.

"Person" means an individual, firm, corporation, association, partnership, or governmental entity.

"Precautionary Area" means a routing measure comprising an area within defined limits where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

"Separation Zone" means an area of the TSS separating the opposing traffic lanes.

"Traffic Lane" means an area of the TSS within defined limits in which one way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

"Traffic Separation Scheme (TSS)" means the routing measure aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes.

"Vessel Movement Reporting System (VMRS)" means a system by which vessel progress is monitored by reports from a vessel rather than by electronic surveillance.

"Zone" means a geographic subdivision of the CVTMC Area, defined for purposes of allocating responsibility for vessel traffic management to one of the authorities.

§ 161.204 Vessel operation in the CVTMS Area.

No person, except those authorized to do so under § 161.208, may cause or authorize the operation of a vessel in the CVTMS Area contrary to the rules in § 161.200 through 161.266.

§ 161.205 CVTMC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in a CVTMS Zone, the CVTMC may issue directions to control and supervise traffic, and may specify times when vessels may enter, move within or through, or depart from ports, harbors, or other waters of the CVTMS Zone.

(b) When a vessel is navigating in an unsafe manner or with improperly functioning equipment, the CVTMC may direct the vessel's movement, including directing it to anchor or moor.

(c) The master, pilot, or person directing the movement of a vessel shall comply with each direction issued to the vessel.

§ 161.206 Requirement to carry regulations.

(a) The master of a vessel shall ensure that a copy of the current Co-operative Vessel Traffic Management System regulations, Title 33, Code of Federal Regulations, Sections 161.200-161.266 (33 CFR 161.200-161.266), is available on board the vessel when it is in the CVTMS Area. The regulations are reprinted in the CVTMS User's Manual.

(b) A CVTMS User's Manual, which contains the regulations and other useful information for operating in the CVTMS area, is available from:

Officer-in-Charge, Transport Canada,
Canadian Coast Guard Vessel Traffic
Management Centre, P.O. Box
190, Ucluelet, BC Canada, V0R 3A0
Phone: (604) 726-7777

Commanding Officer U.S. Coast
Guard Vessel Traffic Service 1519
Alaskan Way S., Seattle, Washing-
ton 98134, Phone: (206) 286-5640

Officer-in-Charge, Transport Canada,
Canadian Coast Guard, Vessel Traffic
Management Centre Room 1006,
Kapilano 100, Park Royal West Van-
couver, BC Canada, V7T 1A2, Phone:
(604) 666-6011.

§ 161.207 Laws and regulations not affected.

Nothing in §§ 161.200 through 161.266 is intended to relieve any person from complying with any other applicable laws or regulations.

§ 161.208 Authorization to deviate from these rules; equivalent procedures.

(a) Where these regulations require a particular procedure, the Commander, Thirteenth Coast Guard District may, upon written request, authorize any other procedure for use in U.S. waters if it is determined that such other procedure provides a level of safety equivalent to that provided by the required procedure. An application for an authorization must state the need and fully describe the proposed procedure.

(b) The CVTMC may, upon request, issue an authorization to deviate from any rule in §§ 161.200 through 161.266 for a voyage or part of a voyage on which a vessel is embarked or about to embark.

§ 161.210 Emergencies.

In an emergency, the master, pilot, or person directing the movement of the vessel may deviate from any rule in §§ 161.200 through 161.266 to the extent necessary to avoid endangering persons, property, or the environment, and shall report the deviation to the CVTMC as soon as possible.

COMMUNICATION RULES

§ 161.212 Radio listening watch.

(a) When underway, or anchored or moored to a buoy, in the CVTMS Area, the master, pilot, or person directing the movement of a vessel shall ensure that a radiotelephone listening watch is maintained on the frequency designated in § 161.214 for the sector of the CVTMS Area in which the vessel is operating, except when transmitting on that frequency.

(b) All reports and communications required by these rules must be made to the CVTMC on its designated frequency using a radiotelephone that is maintained in effective operating condition and is capable of operation on the navigational bridge of the vessel, or, in the case of a dredge, at its main control station.

(1) The radio listening watch required by paragraph (a) of this section may be maintained in a location other than the vessel's navigational bridge when the vessel is anchored or moored to a buoy.

§ 161.214 Use of designated frequencies.

(a) In accordance with Federal Communication Commission regulations, no person may use the frequency or frequencies designated in this section to transmit any information other than information necessary for the safety of vessel traffic.

(b) All transmissions on the CVTMS frequencies shall be initiated on low power; high power may only be used if

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low power communications are unsuccessful.

(c) The frequencies to be used when communicating with the CVTMC and with other vessels are as follows:

Zone	Primary frequency		Secondary frequency	
	MHz	Channel	MHz	Channel
Tofino Zone.....	156.725	74	156.550	11
Seattle Zone.....	156.700	14	156.650	13
Vancouver Zone.....	156.550	11	156.725	74

§ 161.216 Time.

Each report required by §§ 161.200 through 161.266 must specify time using:

- (a) The zone time in effect in the CVTMS Area; and
- (b) The 24-hour clock system.

§ 161.218 English language.

Each report required by §§ 161.200 through 161.266 shall be made in the English language.

§ 161.220 Radiotelephone equipment failure.

(a) If the radiotelephone required by § 161.212 ceases to operate, the master shall ensure that it is restored to operating condition as soon as possible. The failure of a vessel's radiotelephone equipment, while the vessel is underway, shall not in itself constitute a violation of these rules, nor shall it obligate the vessel to moor or anchor; however, required reports shall be made by other means, if possible.

(b) A vessel that cannot meet the radiotelephone requirements of these rules may not get underway in the CVTMS Area without permission from the CVTMC.

§ 161.222 Report of radio failure.

Whenever the master, pilot, or person directing the movement of a vessel deviates from any rule in §§ 161.200 through 161.266 because of a radio failure, the deviation and radio failure shall be reported to the CVTMC as soon as possible.

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§ 161.224 Report of impairment to the operation of the vessel.

The master, pilot, or person directing the movement of a vessel in the CVTMS Area shall report to the CVTMC as soon as possible:

(a) Any condition on the vessel that may impair its navigation, such as fire, defective propulsion machinery, defective steering equipment, defective radar, defective gyrocompass, defective echo depth sounding device, defective communications equipment, or defective navigational lighting;

(b) Any tow that the towing vessel is unable to control or can control only with difficulty; or

(c) When involved in a grounding, collision, or ramming of a fixed or floating object.

§ 161.226 Miscellaneous reports.

The master, pilot, or person directing the movement of a vessel within the CVTMS Area should report to the CVTMC whenever any of the following circumstances are observed:

(a) Another vessel in apparent difficulty or involved in a casualty.

(b) An obstruction which is dangerous to navigation.

(c) Any aid to navigation which is malfunctioning, damaged, missing, or off position.

(d) Any pollution of the marine environment.

(e) Any vessel which may be creating a hazard to traffic.

(f) Any other danger to navigation including adverse weather conditions.

(g) Any significant change in information previously supplied under this section.

VESSEL MOVEMENT REPORTING SYSTEM (VMRS) RULES

§ 161.227 Local harbor report.

(a) When a vessel moves and remains within a three mile radius of its point of departure in the CVTMS Area, the movement is a local harbor movement. A vessel making a local harbor movement is exempted from the reporting requirements in Initial report (§ 161.228), Underway report (§ 161.231), and Final report (§ 161.236).

(b) At least 5 minutes, but not more than 45 minutes, before a vessel makes a local harbor movement under paragraph (a) of this section, the master, pilot, or person directing the movement of the vessel shall report, or cause to be reported the following information to the CVTMC:

- (1) Name and type of vessel.
- (2) Position of departure.
- (3) Time of departure.
- (4) Destination, route, and ETA.
- (5) General description of operation to be performed.

(c) The master, pilot, or person directing the movement of the vessel, shall report, or cause to be reported, any changes from the information reported under paragraph (b) of this section, except that departing or ETA times must be reported only if they vary by 15 minutes or more from the report.

§ 161.228 Initial report.

(a) At least 15 minutes, but not more than 2 hours, before a vessel enters or begins to navigate in the CVTMS Area, the master, pilot, or person directing the movement of the vessel shall report by radiotelephone or telephone the following information to the appropriate CVTMC:

- (1) The type and name of the vessel.
- (2) The point of entry in the CVTMS Area.

(3) Estimated time of entering or beginning to navigate in the CVTMS Area.

(4) Destination, ETA at destination, and route in the CVTMS Area.

(5) Anticipated speed of the vessel in knots.

(6) Length and deepest draft of the vessel.

(7) Whether or not any dangerous cargo listed in Part 160, Subpart C of this Chapter is on board the vessel or its tow if bound to or from a U.S. port.

(8) Any impairment to the operation of the vessel as described in § 161.224 (a) and (b).

(9) Any planned maneuvers that may impede traffic.

(b) Vessels making movements that require Local harbor reports (§ 161.227) are exempt from making this report.

(c) Vessels that will be entering from a national VTS Area and have previously reported the above information to another VTC are exempt from making this report.

§ 161.231 Underway report.

As soon as a vessel enters or begins to navigate in the CVTMS Area, the master, pilot, or person directing the movement of the vessel shall report the following to the CVTMC:

- (a) Vessel name.
- (b) Vessel location.

§ 161.232 Zone boundary and calling-in-point report.

(a) When a vessel crosses a zone boundary, the master, pilot, or person directing the movement of the vessel shall report the following information to the CVTMC by radiotelephone on the designated frequency for the zone in which the vessel is located or leaving and on the designated frequency for the zone that the vessel is entering:

- (1) Vessel name.
- (2) Vessel location.

(b) When directed to do so by the CVTMC, vessels shall report, on either a one-time basis, or as a series of reports, their:

- (1) Vessel name.
- (2) Vessel location.

§ 161.234 Follow-up report.

The master, pilot, or person directing the movement of a vessel shall report any information which has changed since the previous report, including, but not limited to, ETA, speed, destination, and route.

§ 161.236 Final report.

No later than 30 minutes after a vessel anchors in, moors in, or departs from the CVTMS Area, the master, pilot, or person directing the movement of the vessel shall report the place of anchoring, mooring, or departure to the CVTMC.

TRAFFIC SEPARATION SCHEME (TSS) RULES

§ 161.252 Vessel operation in the TSS.

The master, pilot, or person directing the movement of a vessel in the

TSS described in §§ 161.262 through 161.266, shall comply with Rule 10 of the International Regulations for Prevention of Collisions at Sea, 1972.

DESCRIPTIONS AND GEOGRAPHIC
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§ 161.254 CVTMS Area.

For the purpose of these rules, the CVTMS Area consists of the waters from a point in the Pacific Ocean at 48°23'30" N., 124°48'37" W.; thence due east to the Washington State coast at Cape Flattery; thence southeastward along the Washington coastline to New Dungeness Light; thence northerly to Puget Sound Traffic Lane Entrance Lighted Buoy "S"; thence to Rosario Strait Traffic Lane Entrance Lighted Horn Buoy "R"; thence to Hein Bank Lighted Bell Buoy; thence to Cattle Point Light on San Juan Island; thence along the shoreline to Lime Kiln Light; thence to Kellett Bluff Light on Henry Island; thence to Turn Point Light on Stuart Island; thence to Skipjack Island Light; thence to Sucia Island Daybeacon 1; thence along the shoreline of Sucia Island to a point at 48°46'06" N., 122°53'30" W.; thence to Clements Reef Buoy "2"; thence to Alden Bank Lighted Gong Buoy "A"; thence to Birch Point at 48°56'33" N., 122°49'18" W.; thence along the shoreline to a point where the shoreline intersects the 49° north parallel of latitude; thence due west to the Canadian shoreline at Maple Beach; thence along the shoreline around Point Roberts to a point where the shoreline intersects the 49° north parallel of latitude at Boundary Bluff; thence due west to a point at 49°00'00" N., 123°19'14" W.; thence southerly to Active Pass Light; thence to East Point on Saturna Island; thence to Point Fairfax Light on Moresby Island; thence to Discovery Island Light; thence to Trail Island Light; thence to Brothie Ledge Light; thence to Albert Head Light; thence westward along the Canadian shoreline to the intersection of the shoreline with 48°35'45" N., near Bonilla Point; thence due west to a point at 48°35'45" N., 124°47'30" W.; thence southerly along a rhumb line to the

starting point at 48°23'30" N., 124°48'37" W.

§ 161.256 Tofino Zone.

The Tofino Zone comprises that portion of the CVTMS Area west of 124°40'00" W.

§ 161.258 Seattle Zone.

The Seattle Zone comprises that portion of the CVTMS Area in the Strait of Juan de Fuca, bordered on the west by 124°40'00" W., and on the north and east by lines drawn from the tip of Church Point on the Canadian shoreline to Race Rocks Light; thence easterly to the intersection of the U.S./Canadian border at position 48°17'04" N., 123°14'51" W.; thence northeasterly to Hein Bank Lighted Bell Buoy; thence southerly to Rosario Strait Traffic Lane Entrance Lighted Horn Buoy "R"; thence to Puget Sound Traffic Lane Entrance Lighted Buoy "S"; thence to New Dungeness Light.

§ 161.260 Vancouver Zone.

The Vancouver Zone comprises that portion of the CVTMS Area north of a line drawn from the tip of Church Point on the Canadian shoreline to position 48°17'04" N., 123°14'51" W.; thence northeasterly to Hein Bank Lighted Bell Buoy; thence northeasterly to Cattle Point.

§ 161.262 Separation zones.

The CVTMS Area contains traffic separation zones bounded by lines connecting the following geographical positions:

- (a) Juan de Fuca separation zone.
 - (1) 48°28.8' N., 124°43.6' W.
 - (2) 48°13.4' N., 123°56.9' W.
 - (3) 48°13.4' N., 123°31.7' W.
 - (4) 48°14.7' N., 123°31.8' W.
 - (5) 48°17.8' N., 124°00.6' W.
 - (6) 48°29.6' N., 124°43.6' W.
- (b) Port Angeles separation zone.
 - (1) 48°10.4' N., 123°26.5' W.
 - (2) 48°12.3' N., 123°27.9' W.
 - (3) 48°12.5' N., 123°27.3' W.
 - (4) 48°10.6' N., 123°25.8' W.
- (c) Juan de Fuca western approach separation zone.
 - (1) 48°30.5' N., 124°58.5' W.
 - (2) 48°30.2' N., 124°54.0' W.

- (3) 48°23.9' N., 124°54.1' W.
- (4) 48°28.8' N., 124°58.6' W.
- (d) Juan de Fuca southwestern approach separation zone.
- (1) 48°23.2' N., 124°55.5' W.
- (2) 48°25.0' N., 124°52.0' W.
- (3) 48°23.7' N., 124°50.1' W.
- (4) 48°21.4' N., 124°52.9' W.
- (e) Victoria separation zone.
- (1) 48°20.7' N., 123°25.1' W.
- (2) 48°16.2' N., 123°28.5' W.
- (3) 48°15.8' N., 123°27.1' W.
- (4) 48°20.5' N., 123°24.4' W.

§ 161.264 Traffic lanes.

The traffic lanes, which extend to, but do not enter the precautionary areas, are located on both sides of the separation zones and are bounded by lines connecting the following geographical points:

Western Lanes

(a) A traffic lane for northwestbound traffic is established between the separation zone and a line connecting the following geographical positions:

- (1) 48°15.6' N., 123°31.0' W.
- (2) 48°18.8' N., 124°00.2' W.
- (3) 48°30.7' N., 124°43.5' W.

(b) A traffic lane for southeastbound traffic is established between the separation zone and a line connecting the following geographical positions:

- (1) 48°27.1' N., 124°43.8' W.
- (2) 48°27.1' N., 124°41.8' W.
- (3) 48°12.4' N., 123°57.2' W.
- (4) 48°12.4' N., 123°30.2' W.

Southern Lanes

(c) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

- (1) 48°10.3' N., 123°25.0' W.
- (2) 48°13.6' N., 123°26.1' W.

(d) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

- (1) 48°12.4' N., 123°30.2' W.
- (2) 48°10.1' N., 123°27.3' W.

Western Approach

(e) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographical positions:

tion zone and a line connecting the following geographical positions:

- (1) 48°31.9' N., 124°53.3' W.
- (2) 48°32.4' N., 124°57.8' W.

(f) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

- (1) 48°27.3' N., 124°58.3' W.
- (2) 48°27.5' N., 124°53.8' W.

Southwestern Approach

(g) A traffic lane for northeastbound traffic is established between the separation zone and a line connecting the following geographical positions:

- (1) 48°20.6' N., 124°51.0' W.
- (2) 48°23.2' N., 124°48.8' W.

(h) A traffic lane for southwestbound traffic is established between the separation zone and a line connecting the following geographical positions:

- (1) 48°26.1' N., 124°53.0' W.
- (2) 48°24.4' N., 124°56.7' W.

Northern Lanes

(i) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

- (1) 48°20.9' N., 123°26.1' W.
- (2) 48°15.6' N., 123°31.0' W.

(j) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

- (1) 48°13.6' N., 123°26.1' W.
- (2) 48°20.2' N., 123°23.4' W.

§ 161.266 Precautionary areas.

(a) Precautionary area "J".

A precautionary area is bounded as follows: from 48°31.9' N., 124°53.3' W.; thence southeasterly to 48°30.7' N., 124°43.5' W.; thence southerly to 48°27.1' N., 124°43.8' W.; thence westerly to 48°27.1' N., 124°45.4' W.; thence southwesterly to 48°23.2' N., 124°48.8' W.; thence northwesterly and northerly by an arc of 7 nautical miles radius, centered at 48°29.2' N., 124°43.6' W.; thence to the point of origin.

(b) Precautionary area "JA".

A precautionary area of radius two miles is centered upon geographical position: 48°14.2' N., 123°28.9' W.

(c) Port Angeles precautionary area.

An area enclosed by a line beginning on the shoreline at New Dungeness Spit at 48°11'00" N., 123°06'30" W.; thence due north to 48°17'10" N., 123°06'30" W.; thence southwesterly to geographical position 48°10'00" N., 123°27'38" W.; thence due south to the shoreline, thence along the shoreline to the point of beginning.

**PRINCE WILLIAM SOUND VESSEL
TRAFFIC SERVICE**

SOURCE Sections 161.301 through 161.387, CGD 80-010, 46 FR 34580, July 2, 1981, unless otherwise noted.

GENERAL RULES

§ 161.301 Purpose and Applicability.

(a) Sections 161.301 through 161.387 prescribe rules for vessel operation in the Prince William Sound Vessel Traffic Service Area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.301 through 161.311 excepting § 161.306 and the Traffic Separation Scheme (TSS) Rules in §§ 161.350 through 161.354 and 161.356 (b) and (c) apply to the operation of all vessels.

(c) General Rule § 161.306, the Communications Rules in §§ 161.320 through 161.332, the Vessel Movement Reporting Rules in §§ 161.334 through 161.342, the TSS Rules in §§ 161.348 and 161.356(a), and the Valdez Narrows Rules in § 161.372 and 161.374 apply only to the operation of:

- (1) Each vessel of 300 or more gross tons that is propelled by machinery;
- (2) Each vessel of 100 or more gross tons that is carrying one or more passengers for hire;

(3) Each commercial vessel of 8 meters or over in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(4) Each dredge and floating plant.

(d) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic

coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 80-010, 46 FR 34580, July 2, 1981, as amended by CGD 86-082a, 53 FR 7739, Mar. 10, 1988]

§ 161.303 Definitions.

As used in §§ 161.301 through 161.387:

"ETA" means estimated time of arrival.

"Person" includes an individual, firm, corporation, association, partnership, and governmental entity.

"Separation zone" means an area of the TSS that is located between two traffic lanes to keep vessels proceeding in opposite directions a safe distance apart.

"Traffic lane" means an area of the TSS in which all vessels ordinarily proceed in the same direction.

"Traffic separation scheme" (TSS) means the network of traffic lanes and separation zones in the VTS Area.

"Vessel Traffic Center" (VTC) means the shore based facility that operates the Prince William Sound Vessel Traffic Service.

"Vessel Traffic Service Area" (VTS Area) means the area described in § 161.380.

"Tank Vessel" means any vessel specially constructed or converted to carry oil or other hazardous substances in bulk in the cargo spaces.

"Laden Tank Vessel" means a tank vessel having cargo on board in excess of normal clingage or residual.

§ 161.304 Vessel operation in the VTS Area.

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.301 through 161.387.

§ 161.305 Laws and regulations not affected.

Nothing in §§ 161.301 through 161.387 is intended to relieve any person from complying with:

- (a) International Regulations for Preventing Collisions at Sea, 1972;

(b) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(c) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451 through 1489); and

(d) any other law or regulation.

§ 161.306 VTS Operating Manual.

The master of a vessel listed in § 161.301(c) shall insure that a copy of the current edition of the Prince William Sound Vessel Traffic Service Operating Manual is available on board the vessel when it is in the VTS Area.

NOTE: The Prince William Sound VTS Operating Manual includes VTS regulations, navigation information, and guidelines for the efficient operation of the VTS system. The manual may be obtained in person or by writing: Prince William Sound Vessel Traffic Service, c/o USCG Marine Safety Office, P.O. Box 486, Valdez, Alaska 99686; or Commander, Seventeenth Coast Guard District, Federal Building, P.O. Box 3-5000, Juneau, Alaska 99802. Temporary changes to the operating manual are promulgated by the Commander, Seventeenth Coast Guard District, in local notices to mariners.

§ 161.307 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions specifying times when vessels may enter, move within or through, or depart from ports, harbors, or other waters in the VTS area.

(b) The master of a vessel in the VTS area shall comply with each direction issued to the vessel under this section.

§ 161.309 Authorization to deviate from these rules.

(a) The Commander, Seventeenth Coast Guard District may, upon written request, issue an authorization to deviate from any rule in §§ 161.301 through 161.387 if he finds that the proposed operation under the authorization can be done safely. An application for an authorization must state the need for the authorization and describe the proposed operations.

(b) The VTC may, upon request, issue an authorization to deviate from any rule in §§ 161.301 through 161.387 for a voyage or part of a voyage on

which a vessel is embarked or about to embark.

§ 161.311 Emergencies.

In an emergency, any master may deviate from any rule in §§ 161.301 through 161.387 to the extent necessary to avoid endangering persons, property, or the environment.

COMMUNICATIONS RULES

§ 161.320 Radio listening watch.

The master of a vessel in the VTS Area shall continuously monitor the radio frequency designated in the current edition of the Prince William Sound VTS Operating Manual for the sector of the VTS Area in which the vessel is operating, except when transmitting on that frequency.

§ 161.322 Radiotelephone equipment.

Each report required by the Prince William Sound VTS rules to be made by radiotelephone must be made using a radiotelephone that is capable of operating on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

§ 161.324 English language.

Each report required by the Prince William Sound VTS rules must be made in the English language.

§ 161.326 Time.

Each report required by the Prince William Sound VTS rules must specify time using:

- (a) The zone time in effect in the VTS Area; and
- (b) The 24-hour clock system.

§ 161.328 Radio failure.

Whenever a vessel's radiotelephone equipment fails:

(a) Before entering or while underway in the VTS Area:

(1) Compliance with §§ 161.320 and 161.328 is not required; and

(2) Compliance with §§ 161.334, 161.336, and 161.342 is not required unless the reports can be made by other means;

(b) Before getting underway in the VTS Area permission to get underway must be obtained from the VTC;

§ 161.330

(c) The master shall restore the radiotelephone to operating condition as soon as possible.

§ 161.330 Report of emergency or radio failure.

Whenever the master of a vessel deviates from any rule in §§ 161.301 to 161.387 because of an emergency or radio failure, he shall report the deviation to the VTC as soon as possible.

§ 161.332 Report of impairment to the operation of the vessel.

The master of a vessel in the VTS Area shall report to the VTC as soon as possible:

(a) Any condition on the vessel that may impair its navigation, such as fire, defective steering equipment, or defective propulsion machinery; and

(b) Any tow that the towing vessel is unable to control, or can control only with difficulty.

VESSEL MOVEMENT REPORTING RULES

§ 161.334 Initial report.

Three hours before a vessel enters or begins to navigate in the VTS Area through Hinchinbrook entrance or at least 30 minutes before a vessel enters or begins to navigate in the VTS Area from other points, the master of the vessel shall report to the VTC:

(a) Name, type, and draft of the vessel;

(b) Position of the vessel;

(c) Estimated time and place of entering or beginning to navigate in the VTS Area;

(d) Estimated vessel speed to transit the VTS Area;

(e) ETA to the destination in the VTS Area and name of the destination;

(f) If the vessel is a towing vessel, the overall length of the tow, including the towing vessel;

(g) Whether or not any dangerous cargo listed in § 161.3 of this chapter is on board the vessel or its tow;

(h) Any impairment to the operation of the vessel as described in § 161.332;

(i) Alternate communications, if any;

(j) Any other information requested by the VTC.

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§ 161.336 Follow-up report.

At least 60 minutes before a vessel enters or begins to navigate in the VTS Area through Hinchinbrook entrance the master of the vessel shall report the following information to the VTC:

(a) Name of the vessel;

(b) Position of the vessel;

(c) Course and speed of the vessel;

(d) ETA at Hinchinbrook Entrance;

(e) ETA of the vessel at its destination if changed from the preliminary report.

§ 161.338 Movement reports.

(a) While navigating in the VTS Area the master of a vessel shall report the following information to the VTC by radiotelephone:

(1) Any increase or decrease of speed of more than 1 knot;

(2) The intent to cross through the TSS at least 10 minutes (for vessels with a tow at least 30 minutes) before beginning to cross the TSS;

(3) When the vessel clears the TSS after crossing;

(b) When the vessel passes a reporting point listed in § 161.340, the master of a vessel shall report the following information to the VTC by radiotelephone:

(1) The name of the vessel;

(2) The reporting point.

§ 161.340 Reporting points.

The reporting points are:

(a) When entering or departing the VTS Area at Hinchinbrook Entrance, and

(b) When abeam of Naked Island.

§ 161.342 Final report.

Whenever a vessel anchors, moors in, or departs from the VTS Area, the master shall report the place and time of anchoring, mooring, or departing to the VTC, except:

(a) When mooring or anchoring in Port Valdez, unless requested to do so by the VTC; or

(b) When departing the VTS Area at Hinchinbrook Entrance and the movement report for the reporting point in § 161.340(a) is made.

TRAFFIC SEPARATION SCHEME RULES

§ 161.348 Vessels required to use the TSS.

All vessels described in § 161.301(c) must sue the TSS when en route to or from Valdez via Hinchinbrook Entrance or navigating any portion of that route.

§ 161.350 Vessel operation in the TSS.

(a) The master of a vessel shall operate the vessel in accordance with the TSS rules prescribed in §§ 161.352, 161.354 and 161.356(b) and (c).

(b) The master of a vessel described in § 161.301(c) shall, in addition to paragraph (a), operate the vessel in accordance with § 161.356(a).

§ 161.352 Direction of traffic.

A vessel proceeding in a traffic lane must keep the separation zone to port.

§ 161.354 Anchoring in the TSS.

No vessel may anchor in the TSS.

§ 161.356 Joining, leaving, and crossing a traffic lane.

(a) A vessel described in § 161.301(c) may join, cross, or leave a traffic lane only after the VTC has been notified of the point at which the vessel will join, cross, or leave the traffic lane.

(b) A vessel crossing a traffic lane shall, to the extent possible, maintain a course that is perpendicular to the direction of the flow of traffic in the traffic lane.

(c) A vessel joining or leaving a traffic lane shall steer a course to converge or diverge from the direction of traffic flow in the traffic lane at as small an angle as possible.

(d) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(e) A vessel of less than 20 meters in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

VALDEZ NARROWS RULE

§ 161.370 One-way traffic in Valdez Narrows.

(a) The area described in § 161.387 is designated as the Valdez Narrows One-way Traffic Area and is restricted to one-way traffic whenever a tank

vessel of 20,000 dead weight tons (DWT) or more is navigating therein.

(b) A tank vessel of 20,000 DWT or more may not enter Valdez Narrows One-way Traffic Area unless:

- (1) It complies with § 161.372; and
- (2) It complies with § 161.376(a)(1), (3), and (4).

§ 161.372 Entering Valdez Narrows.

A vessel described in § 161.301(c) may not enter the Valdez Narrows One-Way Traffic Area unless:

(a) Permission to enter is obtained from the VTC;

(b) Any directions from the VTC to remain separated from another vessel are complied with;

(c) The radio equipment on the vessel that is used to transmit the reports required by the Prince William Sound VTS rules is in operation;

(d) The radar on a vessel equipped with radar is in operation and manned; and

(e) The vessel is free of any condition that may impair its navigation, such as fire, defective steering equipment, or defective propulsion machinery.

§ 161.374 Communications in Valdez Narrows.

Before a vessel meets, overtakes, or crosses ahead of any vessel in Valdez Narrows One-Way Traffic Area, the master or person designated by the master to pilot or direct the movement of the vessel shall transmit the intentions of his vessel to the master or the person designated by the master to pilot or direct the movement of the other vessel on the frequency designated under the Bridge-to-Bridge Radiotelephone Act for the purpose of arranging safe passage.

SPECIAL REQUIREMENTS FOR TANK VESSELS

§ 161.376 Tank vessels in the VTS Area.

(a) Each tank vessel of 20,000 DWT or more operating in the VTS Area must:

- (1) Have two separate marine radar systems for surface navigation, one of which is operating and the other

either operating or capable of immediate operation;

(2) Have an operating LORAN-C receiver;

(3) Have an operating rate of turn indicator; and

(4) Have at least two radiotelephones capable of operating on the designated VTS frequency, one of which is capable of battery operation.

(b) No laden tank vessel of 20,000 DWT or more may transit that portion of Valdez Narrows between Middle Rock and Potato Point at a speed in excess of 6 knots.

(c) No tank vessel of 20,000 DWT or more may transit the Valdez Narrows One-Way Traffic Area in excess of 12 knots.

(d) While in the VTS Area, if a tank vessel of 20,000 DWT or more is unable to comply with paragraph (a) the master shall immediately notify the VTC.

§ 161.378 Tug assistance for tank vessels.

(a) For the purposes of this section, tug assistance means the use of a sufficient number of tugs properly manned and positioned, with enough power and maneuverability to enable the vessel to accomplish the intended maneuvers safely. Factors to be considered in determining the amount of tug assistance needed are:

(1) Existing and expected conditions of wind, tide and current; and

(2) Size, displacement, and maneuvering capability of the vessel.

(b) No laden tank vessel of 20,000 DWT or more may transit the Valdez Narrows One-Way Traffic Area unless:

(1) A sufficient number of tugs, as determined by the VTC, are standing by the northern entrance to Valdez Narrows; and

(2) Tug assistance is utilized when directed by the VTC.

(c) The master of any tank vessel required to use tug assistance shall insure that there are sufficient persons positioned on the vessel to handle lines to tugs as needed.

DESCRIPTIONS AND GEOGRAPHIC COORDINATES

§ 161.380 VTS area.

The VTS Area consists of the navigable waters of the United States north of a line drawn from Cape Hinchinbrook Light to Schooner Rock Light, comprising that portion of Prince William Sound between longitudes 146°30' W. and 147°20' W. and includes Valdez Arm, Valdez Narrows, and Port Valdez.

§ 161.383 Separation zone.

The separation zone is 1,830 meters wide from Hinchinbrook Entrance to Valdez Arm west to Bligh Reef and decreases in width from 1,830 meters to 915 meters from the entrance to Valdez Arm to where it terminates and is bounded by lines connecting the following latitudes and longitudes:

- (a) 60°58'43" N., 146°47'50" W.
- (b) 60°49'47" N., 147°02'06" W.
- (c) 60°34'43" N., 147°05'16" W.
- (d) 60°17'05" N., 146°49'18" W.
- (e) 60°16'20" N., 146°46'28" W.
- (f) 60°34'53" N., 147°03'14" W.
- (g) 60°49'23" N., 147°00'08" W.
- (h) 60°58'26" N., 146°47'02" W.

§ 161.385 Traffic lanes.

The traffic lanes are 1,375 meters wide from Hinchinbrook Entrance to Valdez Arm west of Bligh Reef, and decrease in width from 1,375 meters to 915 meters from the entrance to Valdez Arm to where they terminate. The traffic lanes are as follows:

(a) The inward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:

- (1) 60°58'09" N., 146°46'16" W.
- (2) 60°49'07" N., 146°58'42" W.
- (3) 60°35'00" N., 147°01'42" W.
- (4) 60°15'45" N., 146°44'20" W.

(b) The outward bound traffic lane is between the separation zone and a line connecting the following latitudes and longitudes:

- (1) 60°59'01" N., 146°48'37" W.
- (2) 60°50'04" N., 147°03'35" W.
- (3) 60°34'36" N., 147°06'48" W.
- (4) 60°17'38" N., 146°51'20" W.

§ 161.387 Valdez Narrows one-way traffic area.

Valdez Narrows One-Way Traffic Area consists of the navigable waters of the United States in Valdez Arm, Valdez Narrows, and Port Valdez northeast of a line bearing 307° true from Tongue Point at 61°02'06" N., 146°40'00" W., and southwest of a line bearing 307° true from Entrance Island Light at 61°05'06" N., 146°36'42" W.

NEW ORLEANS VESSEL TRAFFIC SERVICE

GENERAL RULES

§ 161.401 Purpose and applicability.

(a) Sections 161.401 and 161.402 prescribe rules for vessel operation in the New Orleans Vessel Traffic Service Area (VTS Area) to prevent collisions and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(n)(4)).

(COD 75-082, 42 FR 51759, Sept. 29, 1977)

§ 161.402 Vessel operation.

(a) Mississippi River below Baton Rouge, LA, including South and Southwest Passes:

(1) *Supervision.* The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Commander, Eighth Coast Guard District.

(2) *Speed; high-water precautions.* When passing another vessel (in motion, anchored, or tied up), a wharf or other structure, work under construction, plant engaged in river and harbor improvement, levees with standing flood waters, building partially or wholly submerged by high water, or any other structure liable to damage by collision, suction or wave action, vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damages to the vessel or structure being passed. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full

compliance therewith. During high river stages, floods, or other emergencies, the District Commander may prescribe by navigation bulletins or other means the limiting speed in land miles per hour deemed necessary for the public safety for the entire section or any part of the waterways covered by this paragraph, and such limiting speed shall be strictly observed.

(3) *Towing.* Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

(b) Movement of vessels in vicinity of Algiers Point, New Orleans Harbor:

(1) *Control lights.* When the Mississippi River reaches 8 feet on the Carrollton Gage on a rising stage, and until the gage reads 9 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, but excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights are visible throughout the entire width of the river and flash once every second. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be

made to navigate through the restricted area.

NOTE: To provide advance information to downbound vessels whether the control light at Gretna (Gretna Light) is red or green, a traffic light is located at Westwego on the right descending bank, on the river batture at the end of Avenue B, approximately 101.4 miles above Head of Passes.

(2) *Ascending vessels.* Ascending vessels shall not proceed farther up the river than a line connecting the upper end of Atlantic Street Discharge Light (on right descending bank) with the lower end of Desire Street Wharf (on left descending bank) when a red light is displayed. Vessels waiting for a change of signal shall keep clear of descending vessels.

(3) *Descending vessels.* (i) Descending vessels shall not proceed farther down the river than a line connecting the lower end of Julia Street Wharf (on left descending bank) with the vertical flagpole at Eastern Associated Terminals (on right descending bank) when a red light is displayed. Vessels shall round to and be headed upstream before they reach that line, if the signal remains against the vessel. Vessels waiting for a change of signal shall keep clear of ascending vessels.

(ii) Vessels destined to a wharf above the lower end of Julia Street Wharf shall signal the Gretna towerman three long blasts and one short blast of a whistle or horn to indicate that the vessel is not bound below the Julia Street Wharf.

(iii) The master, pilot, or authorized representative of any vessel scheduled to depart from a wharf between Governor Nicholls Light and Louisiana Avenue, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Light towerman by telephone to determine whether the channel at Algiers Point is clear before departure. When the point is clear, vessels shall then proceed promptly so that other traffic will not be unnecessarily delayed.

NOTE: Telephone numbers of both signal towers will be published in navigation bulletins in advance of each operating period.

(4) *Minor changes.* The District Commander is authorized to waive operation or suspension of the lights

whenever prospective river stages make it appear that the operation or suspension will be required for only a brief period of time or when river stages will rise or fall below the critical stage which is established for operation or suspension by only a few tenths on the Carrollton Gage.

(5) *Underpowered vessels.* When the Carrollton Gage reads 12 feet or higher, any vessel which is considered by the master or pilot as being underpowered or a poor handler shall not navigate around Algiers Point without the assistance of a tug or tugs.

(6) *Towing.* When the Carrollton Gage reads 12 feet or higher, towing on a hawser in a downstream direction between Julia Street and Desire Street is prohibited except by special permission of the District Commander.

(c) Navigation of South and Southwest Passes.

(1) No vessel, except small craft and towboats and tugs without tows, shall enter either South Pass or Southwest Pass from the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

(2) No vessel having a speed of less than ten mph shall enter South Pass from the Gulf when the stage of the Mississippi River exceeds 15 feet on the Carrollton Gage at New Orleans. This paragraph does not apply when Southwest Pass is closed to navigation.

(3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Frank Crossing Light until after a descending vessel shall have passed Depot Point Light.

(4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Frank Crossing Light shall have passed through into the river.

(5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during daylight hours no tow shall consist of more than two towed vessels other than small craft. Tows may be

in any formation. When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1223); 49 CFR 1.46(n)(4))

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 78-080, 44 FR 47933, Aug. 16, 1979; CGD 86-049, 51 FR 27840, Aug. 4, 1986]

BERWICK BAY VESSEL TRAFFIC SERVICE

SOURCE Sections 161.701 through 161.783 appear by CGD 73-186, 49 FR 580, Jan. 5, 1984, unless otherwise noted.

GENERAL RULES

§ 161.701 Purpose and applicability.

(a) Sections 161.701 through 161.783 prescribe rules for vessel operations in the Berwick Bay (Morgan City, Louisiana) Vessel Traffic Service (VTS) Area to prevent collisions, ramblings, and groundings and to protect the navigable waters of the VTS Area from environmental harm resulting from collisions, ramblings, and groundings.

(b) The General Rules in §§ 161.701 through 161.717, except the requirement in § 161.709 to have a VTS operating manual, apply to the operations of all vessels.

(c) The requirements in § 161.709 to have a VTS operating manual, the Communications Rules in §§ 161.721 through 161.729, and the Reporting Rules in §§ 161.735 through 161.749 apply to the operation of all vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Regulations in Part 26 of this chapter.

(d) In addition to the vessels under paragraph (c) of this section, § 161.725 on use of English language in reports, § 161.735 on means of reporting, § 161.739 on initial reports, and § 161.749 on deviations from the reported route apply to the operation of:

(1) Recreational vessels less than 300 gross tons intending to transit under

the lift span of the Southern Pacific Railroad (SPRR) bridge; and

(2) Commerical vessels not subject to the Vessel Bridge-to-Bridge Radiotelephone Regulations in Part 26 of this chapter.

§ 161.703 Definitions.

As used in §§ 161.701 through 161.783:

"Available horsepower" means the total horsepower output of all operating propulsion equipment on all vessels engaged in a single towing operation.

"Cargo of particular hazard" means cargo consisting of a commodity listed in 33 CFR 126.10.

"Length of tow" means the combined length in feet of all barges in the tow, excluding the length of hawsers and the length of the tug.

"Master" means licensed master or operator or, on vessels not required to have a licensed master or operator, the person in command of the vessel.

"Overall length" means the combined length in feet of the towing vessel or vessels and the tow.

"Person" includes an individual, firm, corporation, association, partnership, or government entity.

"SPRR bridge" means the Southern Pacific Railroad bridge across Berwick Bay between the cities of Berwick and Morgan City, Louisiana.

"Vessel Traffic Center" or "VTC" means the shore based facility that operates the Berwick Bay Vessel Traffic Service or the Commanding Officer of the facility, or that person's authorized representative, depending upon the context in which the term is used.

"Vessel Traffic Service Area" or "VTS Area" means the area described in § 161.781.

[CGD 73-186, 49 FR 580, Jan. 5, 1984, as amended by CGD 85-076, 52 FR 33587, Sept. 4, 1987]

§ 161.705 Vessel operations in the VTS Area.

Except under § 161.715 (authorized deviations) and § 161.717 (emergencies), no person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.701 through 161.783.

§ 161.707

§ 161.707 Laws and regulations not affected.

Nothing in §§ 161.701 through 161.783 is intended to relieve any person from complying with:

(a) The Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 through 2072);

(b) The technical annexes to the Inland Navigational Rules (Parts 84 through 88 of this chapter);

(c) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(d) Subtitle II of Title 46, United States Code, "Shipping"; and

(e) Any other law or regulation.

§ 161.709 VTS Operating Manual.

The master of a vessel shall ensure that a copy of the current edition of the Berwick Bay Vessel Traffic Service Operating Manual is available on board the vessel when it is in the VTS Area.

NOTE. "Berwick Bay VTS Operating Manual" includes the VTS regulations and navigation information. The manual is available from the Commander, Eighth Coast Guard District (m), Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130 or from the Commanding Officer, Berwick Bay Vessel Traffic Service, 800 David Dr., Rm. 255, Morgan City, Louisiana 70380.

§ 161.711 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions to control and supervise traffic and may specify times when vessels may enter, move within or through, or depart from ports, harbors, or other waters in the VTS Area.

(b) Whenever the VTC determines that a vessel in the VTS Area is navigating in an unsafe manner or with improperly functioning equipment, the VTC may direct the vessel's movement or direct it to anchor or moor.

(c) The master of a vessel in the VTS Area shall comply with each direction issued to the vessel under this section.

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§ 161.713 Obstructing navigable channels.

Mooring in, anchoring in, or otherwise obstructing a navigable channel in any way is prohibited without first obtaining permission to do so from the VTC.

§ 161.715 Authorization to deviate from these rules.

The Captain of the Port, New Orleans, may, upon written request, issue an authorization to deviate from any rule in §§ 161.701 through 161.783 if that officer finds that the proposed operation can be done safely. A request for an authorization must state the need for the deviation and describe the proposed operation.

§ 161.717 Emergencies.

In an emergency, any master may deviate from any rule in §§ 161.701 through 161.783 to the extent necessary to avoid endangering person, property, or the marine environment.

COMMUNICATIONS RULES

§ 161.721 Radiotelephone listening watch.

The master of a vessel required to make the reports under §§ 161.720 through 161.749 only by radiotelephone shall ensure that a continuous listening watch is maintained on the frequency designated in the current edition of the Berwick Bay VTS Operating Manual, except when transmitting on that frequency.

§ 161.723 Radiotelephone reports.

Each report under §§ 161.720 through 161.749 made by radiotelephone must be made on the frequency designated in the current edition of the Berwick Bay VTS Operating Manual.

§ 161.725 English language.

Each report required by §§ 161.720 through 161.783 must be made in the English language.

§ 161.729 Radiotelephone equipment failure.

(a) Whenever a vessel's radiotelephone equipment fails, compliance with the following is not required:

(1) Section 161.721 on maintaining a listening watch.

(2) Sections 161.739 through 161.749 on reporting, unless those reports can be made by other reasonable means.

(b) Whenever a vessel's radiotelephone equipment fails, permission to proceed must first be obtained from the VTC if the vessel is:

(1) Intending to transit the lift span of the SPRR bridge;

(2) Getting underway from within the VTS Area; or

(3) Transiting any portion of the Intracoastal Waterway between Mile 93 West of Harvey Lock (WHL) and Mile 99 WHL.

(c) The master of a vessel shall ensure that the radiotelephone equipment is restored to operating condition as soon as possible.

REPORTING RULES

§ 161.735 Means of reporting.

(a) Reports under §§ 161.739 through 161.749 must be made only by radiotelephone, except as provided under paragraph (b) of this section.

(b) Vessels not subject to the Vessel Bridge-to-Bridge Radiotelephone regulations in Part 26 of this chapter may make initial reports under § 161.739 and deviation reports under § 161.749 by radiotelephone, telephone ((504) 385-2462), or other reasonable means.

§ 161.739 Initial report.

When a vessel enters or begins to navigate in the VTS Area, the master of the vessel shall report the following information to the VTC:

(a) Name of the vessel.

(b) Type of vessel (towing, fishing, supply, etc.).

(c) Location of the vessel.

(d) Route within the VTS Area.

(e) Any cargo of particular hazard that is on board the vessel or any vessel being towed.

(f) Any impairment to the operation of the vessel as described in § 161.747.

(g) If towing is involved, available horsepower and overall length of the vessels.

§ 161.743 Movement reports.

(a) When a vessel passes a reporting point listed in § 161.783, other than

when entering or leaving the VTS Area, the master of the vessel shall report the following information to the VTC:

(1) Name of the vessel.

(2) Name of the reporting point.

(3) If towing is involved, any revision to the available horsepower and overall length information given in the initial report under § 161.739(g).

(b) A movement report is required at the Berwick Lock Reporting Point only for vessels passing through the lock.

§ 161.745 Final report.

When a vessel anchors in, moors in, or departs from the VTS Area, the master shall report to the VTC the name of the vessel and place of anchoring, mooring, or departure.

§ 161.747 Report of equipment impairment.

The master of a vessel in the VTS Area shall report to the VTC as soon as possible:

(a) Any condition on the vessel that may impair its safe navigation, such as fire or a defect in propulsion machinery, steering equipment, radar, or gyrocompass;

(b) Any tow that the towing vessel is unable to control or can control only with difficulty;

(c) When involved in a collision, ramming, or grounding; and

(d) Any radiotelephone equipment failure.

§ 161.749 Deviation report.

(a) Except in an emergency, the master of a vessel in the VTS Area shall report each deviation from the route reported in the initial report under § 161.739(d) before making the deviation.

(b) Whenever a vessel in the VTS Area deviates, because of an emergency, from the route reported in the initial report under § 161.739(d) or from any provision in §§ 161.701 through 161.783, the master of the vessel shall report the deviations to the VTC as soon as possible.

HIGH WATER TOWING LIMITATIONS

§ 161.761 Applicability.

The high water towing limitations (§§ 161.761 through 161.768) apply to the operation of vessels with tows intending to transit under the lift span of the SPRR bridge or through the navigational openings of either the U.S. Highway 90 bridge or the LA Route 187 bridge, both to the north of the SPRR bridge, when those limitations are in effect.

[CGD 85-076, 52 FR 33587, Sept. 4, 1987]

§ 161.762 Precautionary notices.

(a) Whenever the Morgan City River Gauge reads 2.5 feet above mean sea level and the Coast Guard Captain of the Port, New Orleans, or that person's authorized representative, anticipates that the water level will rise to 3 or more feet above mean sea level, the VTC issues precautionary notices that the high water towing limitations may soon go into effect.

(b) Precautionary notices are:

(1) Announced during Coast Guard Marine Information Broadcasts;

(2) Published in Coast Guard Local Notices to Mariners;

(3) Announced by the VTC in response to initial reports; and

(4) Available by calling the VTC at (504) 385-2462 or on the frequency designated in the current edition of the Berwick Bay VTS Operating Manual.

(c) Precautionary notices are given throughout the period during which the conditions in paragraph (a) of this section exist.

(d) During the period when the water level falls below 3 feet above mean sea level on the Morgan City River Gauge but remains at or above 2.5 feet, precautionary notices are issued only if the Coast Guard Captain of the Port, New Orleans, or that person's authorized representative, anticipates that the decrease in the level below 3 feet is only temporary.

§ 161.764 When limitations are in effect.

(a) The high water towing limitations are in effect when two vertically arranged red balls by day and two vertically arranged flashing white lights

by night are displayed on top of the SPRR bridge.

(b) The VTC posts the visual displays under paragraph (a) of this section when the Morgan City River Gauge reads 3 or more feet above mean sea level.

(c) The VTC discontinues the visual displays under paragraph (a) of this section when the Morgan City River Gauge reads less than 3 feet above mean sea level.

§ 161.765 Notice of when limitations are in effect.

(a) In addition to the notice provided by the visual displays under § 161.764(a), notice of when limitations are in effect is:

(1) Announced during Coast Guard Marine Information Broadcasts;

(2) Published in Coast Guard Local Notices to Mariners;

(3) Announced by the VTC in response to initial reports; and

(4) Available by calling the VTC at (504) 385-2462 or on the frequency designated in the current edition of the Berwick Bay VTS Operating Manual.

(b) The notices under paragraph (a) of this section are given throughout the period when the limitations are in effect.

§ 161.767 Operational limitations.

(a) Towing on a hawser in either direction is prohibited, with the exception of one self-propelled vessel towing one other vessel upbound.

(b) Barges and towing vessels must be arranged in tandem, with the exception of one vessel towing one other vessel alongside.

(c) A towing vessel or vessels and tows must not exceed an overall length of 1,180 feet.

(d) Tows with a box end in the tow must not exceed two barges in length.

NOTE: The variation in draft and beam of the barges in a multibarge tow should be minimized in order to avoid unnecessary strain on the coupling wires.

[CGD 85-076, 52 FR 33587, Sept. 4, 1987]

§ 161.768 Horsepower limitations.

(a) All tows carrying a cargo of particular hazard must have available

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horsepower of at least 600 or three times the length of tow, whichever is greater.

(b) All tows not carrying a cargo of particular hazard must have available horsepower of at least the following:

Direction of transit	Available horsepower for daytime transit	Available horsepower for nighttime transit
Upbound.....	400 or three times (length of tow minus 300 ft.), whichever is greater.	600 or three times (length of tow minus 200 ft.), whichever is greater.
Downbound.....	600 or three times (length of tow minus 200 ft.), whichever is greater.	600 or three times length of tow, whichever is greater.

"Daytime" means sunrise to sunset. "Nighttime" means sunset to sunrise.

(c) A 5% variance from the available horsepower required under paragraphs (a) and (b) of this section is permitted.

(d) Tows with 3,000 or more available horsepower need not comply with paragraphs (a) and (b) of this section.

(CGD 85-076, 52 FR 33587, Sept. 4, 1987)

DESCRIPTIONS AND GEOGRAPHIC COORDINATES

§ 161.781 VTS Area.

The VTS Area consists of the following segments of waterways:

(a) The Intracoastal Waterway Morgan City to Port Allen Alternate Route from Mile 0 to Mile 5.

(b) The Intracoastal Waterway from Mile 93 West of Harvey Lock (WHL) to Mile 99 WHL.

(c) The Atchafalaya River Route from Mile 113 to Mile 122.

(d) From Bayou Boeuf (Intracoastal Waterway Mile 94.5 West of Harvey Lock) south one statute mile along Bayou Shaffer.

(e) From Berwick Lock northwest one statute mile along the Lower Atchafalaya River.

§ 161.783 Reporting points.

The reporting points are as follows:

Name	Location
Stouts Point Light.....	Mile 113 Atchafalaya River (AR) Route.
Long Island.....	Southern tip of Long Island; Mile 5 Intracoastal Waterway (ICW) Morgan City to Port Allen (MC/PA) Alternate Route.
Stouts Pass Light "18".....	Mile 115 AR Route.
Bayou Teche.....	Swift Ship Light; Mile 3 ICW MC/PA Alternate Route.
	One mile above Berwick Lock on Lower Atchafalaya River (Bayou Teche).

Name	Location
Berwick Lock.....	Near Berwick Bay on the Lower Atchafalaya River (Report only if transiting the lock).
Conrad's Point.....	Mile 1.5 ICW MC/PA Alternate Route.
20 Grand Point.....	Mile 95.5 ICW West of Harvey Lock (WHL).
Shaffer Junction.....	Mile 94.5 ICW(WHL) at junction with Bayou Shaffer.
Bayou Shaffer.....	On Bayou Shaffer, one mile south of junction with Bayou Boeuf.
Bayou Boeuf Lock.....	Mile 93 ICW(WHL).
Overhead Cable.....	Mile 119 AR Route; Mile 96.5 ICW(WHL).
Floodway Gas Processing Plant.....	Mile 99 ICW(WHL).
Atchafalaya River.....	Mile 122 AR Route.

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SOURCE: Sections 161.801 through 161.894 appear by CGD 78-079b, 48 FR 30619, July 5, 1983, unless otherwise noted.

GENERAL RULES

§ 161.801 Purpose and applicability.

(a) Sections 161.800 through 161.899 prescribe rules for vessel operation in the St. Marys River Vessel Traffic Service (VTS) Area to prevent collisions and groundings, to protect improvements to the waterways, and to protect the navigable waters of the VTS Area from environmental harm.

(b) The General Rules in §§ 161.800 through 161.811, the Anchorage Rules in §§ 161.860 through 161.870, and the Miscellaneous Rules in §§ 161.800 through 161.894 apply to all vessels.

(c) The Communications Rules in §§ 161.820 through 161.844 and the Traffic Rules in §§ 161.850 through 161.856 apply only to the following vessels:

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(1) Vessels over 20 meters (65 feet) in length, except fishing vessels of under 300 gross tons.

(2) Commercial vessels over 8 meters (26 feet) in length engaged in towing another vessel astern, alongside, or by pushing ahead.

(3) Dredges and floating plants.

(d) The Speed Rules in §§ 161.880 through 161.886 apply only to vessels over 20 meters (65 feet) in length.

§ 161.803 Definitions.

As used in §§ 161.800 through 161.899—

"Area Engineer" means the local representative of the District Engineer who acts for that officer with respect to the St. Marys Falls Canal and the VTS Area. The Area Engineer's office is located at the locks of the St. Marys Falls Canal.

"Captain of the Port, Sault Ste. Marie, Michigan" (COTP) means the officer of the U.S. Coast Guard assigned the duty of enforcing the VTS regulations.

"District Engineer" means the officer of the U.S. Army Corps of Engineers responsible for enforcing the regulations for the St. Marys Falls Canal and Locks (33 CFR 207.440). The District Engineer's office is at Detroit, Michigan. The movements of vessels in the St. Marys Falls Canal are under the direction of the District Engineer or his local representative.

"No Passing Zone" means an area where meeting, U-turns, and overtaking are prohibited.

"Soo Control" means the shore-based facility that operates the St. Marys River VTS for the COTP.

"Vessel Traffic Service Area (VTS Area)" means the navigable waters of the United States in the St. Marys River and lower Whitefish Bay from latitude 45°57' N. (De Tour Reef Light), to the south, to latitude 46°38.7' N. (Ile Parisienne Light), to the north, except the waters of the St. Marys Falls Canal. The waters of the VTS Area are delineated, to the east, from Potagannissing Bay and Worsley Bay by a line from La Pointe to Sims Point.

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§ 161.804 Vessel operation in the VTS Area.

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.800 through 161.899.

§ 161.805 Laws and regulations not affected.

Nothing in §§ 161.800 through 161.899 is intended to relieve any person from complying with:

(a) The Inland Navigational Rules (33 U.S.C. 2001 et seq.);

(b) Vessel Bridge-to-Bridge Radio-telephone Regulations (Part 26 of this chapter);

(c) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451-1489); and

(d) Any other law or regulation.

§ 161.807 Soo Control directions.

(a) During conditions of vessel congestion, full or partial channel obstructions, severe storms, reduced visibility, heavy ice, strong currents, low water, or similar hazardous circumstances in the VTS Area, Soo Control may issue directions specifying times when vessels may enter, move within or through, or depart from ports, harbors, reaches, channels, or other waters in the VTS Area.

(b) When, by reason of ice or other special conditions, low powered vessels, vessels with one or more tows, or vessels of a particular construction cannot maintain their order of proceeding and constitute a hazard to other vessels, Soo Control may temporarily refuse the vessels permission to enter or proceed in the river.

(c) The master of a vessel in the VTS Area shall comply with directions issued to him or her under this section.

§ 161.809 Authority to deviate from these rules.

(a) The Commander, Ninth Coast Guard District, may, upon written request, issue an authorization to deviate from any rule in §§ 161.800 through 161.899 if that officer finds the proposed operations can be accomplished safely. Each written application for authorization must state the need for the authorization and de-

scribe how the proposed operation can be conducted safely.

(b) Soo Control may, upon verbal request, issue an authorization to deviate from any rule in this subpart, for a single voyage or part of a single voyage on which the vessel is embarked or about to embark. Authorizations by Soo Control shall not be for an extended period of time or for successive voyages.

§ 161.811 Emergency deviations.

In an emergency, any person may deviate from any provision in §§ 161.800 through 161.899 to the extent necessary to avoid endangering persons, property, or the environment.

COMMUNICATIONS RULES

§ 161.820 Radio listening watch.

The master of a vessel in the VTS Area shall continuously monitor Channel 16 (156.8 mhz) VHF-FM and be prepared to communicate with Soo Control on Channel 12 (156.6 mhz) VHF-FM.

§ 161.821 Frequency for reports.

Reports to Soo Control under §§ 161.828, 161.830, and 161.832 must be made on Channel 12 (156.6 mhz) VHF-FM.

§ 161.822 Radiotelephone equipment.

Each report required by §§ 161.800 through 161.899 to be made by radiotelephone must be made using a radiotelephone that is capable of operation on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

§ 161.824 English language.

Each report required by §§ 161.800 through 161.899 must be made in the English language.

§ 161.828 Initial report.

When a vessel enters the VTS Area at Ile Parisienne or De Tour, or at least 15 minutes, but not more than 30 minutes, before a vessel enters at some other point or gets underway within the VTS Area, the master of the vessel shall report the following information to Soo Control:

(a) Name and draft of the vessel.

(b) Location and/or estimated time of entering or getting underway.

(c) The nature of any tow, including log booms or rafts.

(d) Destination, if in the VTS Area.

§ 161.830 Movement reports.

Whenever a vessel passes a reporting point listed in § 161.834 or promulgated in accordance with § 161.836 or whenever a vessel within the VTS Area gets underway and begins to navigate, the master shall report the following to Soo Control:

(a) Name of the vessel.

(b) The reporting point or the location.

§ 161.832 Final report.

Whenever a vessel anchors in, moors in, or departs from the VTS Area, the master shall report the place of anchorage or mooring or the location of departure to Soo Control.

§ 161.834 Permanent reporting points.

The following are permanent reporting points:

Upbound vessels	Reporting points	Downbound vessels
Initial report	De Tour Reef Light	Final report.
Movement	Munuscong Lake Junction	Movement
report	Lighted Bell Buoy.	report.
	Oak Ridge	Movement
		report.
Movement	Ninemile Point	Movement
report		report.
Movement	Six Mile Point	Movement
report		report.
Movement	Mission Point	Movement
report		report.
Movement	Leaving locks	Movement
report		report.
Movement	Brush Point	Movement
report		report.
Movement	Birch Point	Movement
report		report.
Final report	Ile Parisienne Light	Initial report.

[CGD 78-079b, 48 FR 41587, Sept. 16, 1983]

§ 161.836 Seasonal or temporary reporting points.

(a) Commander, Ninth Coast Guard District, may publish additional reporting points for use during the winter navigation season. These seasonal reporting points with their effective dates are published in Local No-

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tices to Mariners and are available from Soo Control.

(b) Captain of the Port, Sault Ste. Marie, may publish additional reporting points as temporary navigation conditions require. These temporary reporting points with their effective times are published by Broadcast Notices to Mariners and are available from Soo Control.

§ 161.838 Transit of Canadian waters.

Vessels which have already reported to Soo Control need not make a final report or an initial report when departing or reentering the VTS Area for a brief transit of Canadian waters.

§ 161.840 Radio failure.

Whenever a vessel's radiotelephone equipment fails—

(a) The master shall, if practical to do so, notify Soo Control;

(b) The master is not required to moor or anchor the vessel for this reason alone, but the master shall give due consideration to this loss of capability and navigate with extraordinary caution;

(c) Compliance with §§ 161.820 and 161.830 is not required; and

(d) Compliance with §§ 161.828, 161.829, and 161.832 is not required, unless the required reports can be made by telephone.

§ 161.842 Report of impairment or other hazard.

The master of any vessel in the VTS Area shall report to Soo Control as soon as possible—

(a) Any condition on the vessel that may impair its navigation, such as fire, defective propulsion machinery, or defective steering equipment;

(b) Any tow that the towing vessel is unable to control, or can control only with difficulty; and

(c) Any grounding, striking of obstruction, or striking of an aid to navigation, whether in or out of the channel.

NOTE: The master of any vessel in the VTS Area is encouraged to report to Soo Control as soon as possible—

(a) Any locations where the visibility is less than one mile; and

(b) Any obstruction of a channel, grounded vessels, malfunctioning aid to navigation,

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or other hazardous or dangerous situation which has not been published by Notice to Mariners or Broadcast Notice to Mariners.

§ 161.844 Ferry vessels.

The master of any ferry vessel operating in the VTS Area which is operating in accordance with a route and schedule which has been provided to Soo Control need not comply with §§ 161.828 and 161.832.

TRAFFIC RULES

§ 161.850 One way traffic—normal conditions.

Under normal conditions, two-way traffic is permitted in all channels except the following:

(a) West Neebish Channel from Buoy 53 to Buoy 1 shall be used only by vessels proceeding in a downbound direction.

(b) Middle Neebish Channel from Buoy 2 to Buoy 76 shall be used only by vessels proceeding in an upbound direction.

(c) Pipe Island Course from Sweets Point to Watson Reefs Light shall be used only by vessels proceeding in a downbound direction.

(d) Pipe Island Passage to the east of Pipe Island Shoal and north of Pipe Island Twins from Watson Reefs Light to Sweets Point shall be used only by vessels proceeding in an upbound direction.

[CGD 78-079b, 48 FR 30619, July 5, 1983, as amended at 48 FR 41588, Sept. 16, 1983]

§ 161.852 Meeting or overtaking in channels.

(a) No vessel 100 meters (350 feet) or greater in length shall overtake or approach within one quarter of a statute mile (0.2 nautical miles) of a vessel proceeding in the same direction when in the following channels:

(1) West Neebish Channel between Ninemile Point and Munuscong Lake Junction Lighted Bell Buoy and Ninemile Point.

(2) Middle Neebish Channel between Munuscong Lake Junction Lighted Bell Buoy and Ninemile Point.

(3) Little Rapids Cut from Six Mile Point to Buoy 102.

(b) In addition to paragraph (a) of this section, when two-way traffic is permitted in Middle Neebish Channel, no vessel 100 meters (350 feet) or greater in length shall meet or overtake another vessel in the vicinity of—

(1) Johnson Point from Buoy 18 to Buoy 22;

(2) Mirre Point from Buoy 26 to Buoy 28; and

(3) Stribling Point from Buoy 39 to Buoy 43.

(c) This section does not apply when navigating through ice fields.

[CGD 78-079b, 48 FR 30619, July 5, 1983, as amended at 48 FR 41588, Sept. 16, 1983]

§ 161.854 Winter navigation.

(a) During the winter navigation season, West Neebish Channel (from Buoy 53 to Buoy 1) and Pipe Island Passage to the east of Pipe Island Shoal and north of Pipe Island Twins (from Watson Reef Light to Sweets Point) normally is closed to traffic. The COTP closes or opens these channels as ice conditions dictate after giving due consideration to the protection of the marine environment, waterway improvements, and aids to navigation, the need for cross channel traffic (e.g. ferry vessels), the availability of icebreakers, and the safety of island residents who, in the course of their daily business, must use naturally formed ice bridges for transportation to and from the mainland. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated. Prior to closing or opening these channels, the COTP will give interested parties, including both shipping interests and island residents, not less than 72 hours notice.

(b) When West Neebish Channel is closed, Middle Neebish Channel (from Buoy 2 to Buoy 76) will either be opened to two-way traffic or open to one-way traffic in alternate directions. When two-way traffic is authorized in Middle Neebish Channel, all upbound vessels shall use the easterly 60 meters (197 feet) of the channel and all downbound vessels shall use the westerly 91 meters (295 feet) of the channel. When two-way traffic is authorized in Middle Neebish Channel, upbound vessels drawing more than 20 feet

shall not proceed past Buoy 2 unless specifically authorized by Soo Control. When one-way traffic in alternate directions is authorized in Middle Neebish Channel, all vessels shall use the westerly 91 meters (295 feet) of the channel.

(c) When Pipe Island Passage is closed, Pipe Island Course is open to two-way traffic.

ANCHORAGE RULES

§ 161.860 Anchorage, general.

Vessels shall not be anchored so as to swing into the channel limits or across charted steering courses.

§ 161.862 Emergency anchoring.

In an emergency, vessels may anchor in a dredged channel. Vessels shall anchor as near the edge of the channel as possible and shall get underway as soon as the emergency ceases, unless otherwise directed. Soo Control must be advised of any emergency anchoring as soon as possible.

§ 161.864 Unauthorized anchorage.

No vessel shall anchor at any time in the area southward of the Point Aux Pins Range between Brush Point and the waterworks intake crib off big Point or within a quarter of a statute mile (0.2 nautical miles) of the intake crib in any direction.

§ 161.866 Anchoring of dredging, construction, or wrecking plants in channels.

Dredging, construction, or wrecking plants may be permitted to anchor or moor in the channel under such conditions as the COTP deems appropriate to protect the safety of navigations.

§ 161.868 Shifting anchorage under direction of Soo Control.

Soo Control may direct any anchored vessel to shift anchorage whenever deemed necessary for the safety of vessels, the safe or expeditious passage of shipping, or the preservation or effective operation of Government installations.

§ 161.870

§ 161.870 Order of departure from anchorage.

Vessels collected in any part of the VTS Area by reason of temporary closure of a channel or an impediment to navigation shall get underway and depart in the order in which they arrived, unless otherwise directed by Soo Control. Soo Control may advance any vessel in the order of departure to expedite the movement of mails, passengers, cargo of a perishable nature, to facilitate passage of vessels through any channel by reason of special circumstance, or to facilitate passage through the St. Marys Falls Canal.

SPEED RULES

§ 161.880 Maximum speed limits.

The following speed limits indicate speed over the ground:

The speed limit between	Speed limit	
	Miles/hr	Knots
De Tour Reef Light and Sweets Point Light	14	12.2
Round Island Light and Point Aux Frenes Light 21	14	12.2
Munuscong Lake Lighted Buoy 8 and Everens Point	12	10.4
Everens Point and Reed Point	9	7.8
Reed Point and Lake Nicolet Lighted Buoy 62	10	8.7
Lake Nicolet Lighted Buoy 62 and Lake Nicolet Light 80	12	10.4
Lake Nicolet Light 80 and Winter Point (West Neeshish Channel)	10	8.7
Lake Nicolet Light 80 and Six Mile Point Range Rear Light	10	8.7
Six Mile Point Range Rear Light and lower limit of the St. Marys Falls Canal:		
Upbound	8	7
Downbound	10	8.7
Upper limit of the St. Marys Falls Canal and Point Aux Pins Main Light	12	10.4

[CGD 78-079b, 48 FR 41588, Sept. 16, 1983]

§ 161.884 Temporary speed limits.

The Commander, Ninth Coast Guard District, may establish temporary speed limit regulations in the VTS area, including amendments to the speed limits under § 161.880. The temporary speed limits established by the Commander, Ninth Coast Guard District, are published in the **FEDERAL REGISTER** and in **Notices to Mariners**.

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§ 161.886 Minimum speed limit through dredged channels.

No vessel may make regular passage through any dredged channel at a speed of less than 5 statute miles per hour (4.3 knots) over the ground. Any vessel which cannot maintain this speed shall not enter any of the channels until permission has been granted by Soo Control.

MISCELLANEOUS RULES

§ 161.890 Rules for towing vessels.

(a) Towing vessels shall not drop their tows or otherwise leave them unattended south of Gros Cap Reef Light.

(b) Towing vessels engaged in shortening or lengthening tows, dropping or making up tows, transferring stores or cargo from boats alongside, or waiting shall stand clear and allow unobstructed passage to other vessels.

(c) Vessels of less than 61 meters (200 feet) in length shall not be towed with more than 76 meters (250 feet) of tow line. Vessels of 61 meters (200 feet) or more shall not be towed with a tow line longer than the length of the vessel plus 15 meters (50 feet).

§ 161.894 Channel closure and special rules.

Should channel obstructions or other conditions of unusual hazard so require, the COTP may order the closing of a channel, designate additional no-overtaking zones or areas of one-way traffic, or establish other temporary traffic rules. Should a channel be closed, vessels transiting in the direction of the closed channel shall make preparations to be able to immediately anchor.

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

Sec.

162.1 General.

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Sec.

- 162.205 San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.
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- 162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.
- 162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46.

SOURCE: CGD 75-082, 42 FR 51759, Sept. 29, 1977, unless otherwise noted.

§ 162.1 General.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33811, Sept. 8, 1987]

§ 162.15 Manhasset Bay, N.Y.; seaplane restricted area.

(a) *The restricted area.* An area in Manhasset Bay between the shore at Manorhaven on the north and the southerly limit line of the special anchorage area in Manhasset Bay, west area at Manorhaven (described in § 202.60 of this chapter), on the south; its axis being a line bearing 166°50' true from latitude 40°50'17.337", longi-

tude 73°43'03.877", which point is on the south side of Orchard Beach Boulevard at Manorhaven; and being 100 feet wide for a distance of 380 feet in a southerly direction from the south side of Orchard Beach Boulevard, and thence flaring to a width of 300 feet at the southerly limit line.

(b) *The regulations.* (1) Vessels shall not anchor or moor within the restricted area.

(2) All vessels traversing the area shall pass directly through without unnecessary delay, and shall give seaplanes the right-of-way at all times.

§ 162.20 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

(a) *The area.* An area in the main channel in Flushing Bay extending for a distance of 300 feet on either side of the extended center line of Runway No. 13-31 at La Guardia Airport.

(b) *The regulations.* (1) All vessels traversing in the area shall pass directly through without unnecessary delay.

(2) No vessels having a height of more than 35 feet with reference to the plane of mean high water shall enter or pass through the area whenever visibility is less than one mile.

§ 162.25 Ambrose Channel, New York Harbor, N.Y.; navigation.

(a) The use of Ambrose Channel (formerly and before improvement called "East Channel") is hereby restricted to navigation by vessels under efficient control with their own motive power and not having barges or other vessels or floats in tow. Sailing vessels and vessels carrying tows are not permitted to use this channel except under permit as provided in paragraph (b) of this section.

(b) The Captain of the Port, New York may authorize vessels under tow to use Ambrose Channel in special cases when, in his judgment, the draft of such vessels or other conditions may render unsafe the use of other channels.

(c) Vessels permitted to use Ambrose Channel under paragraphs (a) and (b) of this section must proceed through the channel at a reasonable speed such as not to endanger other vessels and not to interfere with any work which may become necessary in main-

taining, surveying, or buoying the channel; and they must not anchor in the channel except in cases of emergency, such as fog or accident, which would render progress unsafe or impossible.

(d) This section is not to be construed as prohibiting any necessary use of the channel by any Government boats while on Government duty, nor in emergencies by pilot boats whether steam or sail, nor by police boats.

(3) This section shall remain in force until modified or rescinded, and shall supplant all prior regulations governing the use of Ambrose Channel, which are hereby revoked.

§ 162.30 Channel of Tuckerton Creek, N.J.; navigation.

(a) Power boats or other vessels propelled by machinery shall not proceed at any time within the limits of these waters at a greater speed than 8 statute miles per hour.

§ 162.35 Channel of Christina River, Del.; navigation.

(a) That vessels of over 20 tons capacity, propelled by machinery, shall not proceed at any time within the limits of these waters at a greater speed than 8 statute miles per hour.

§ 162.40 Inland waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal).

(a) *Applicability.* The regulations in this section are applicable to that part of the inland waterway from Delaware River to Chesapeake Bay, Del. and Md., between Reedy Point, Delaware River, and Old Town Point Wharf, Elk River.

(b) *Speed.* No vessel in the waterway shall be raced or crowded alongside another vessel. Vessels of all types, including pleasure craft, are required to travel at all times at a safe speed throughout the canal and its approaches so as to avoid damage by suction or wave wash to wharves, landings, riprap protection, or other boats, or injury to persons. Pilots and vessel operators transiting the canal and its approaches are warned that violation of this rule may result in having their

privilege to transit the canal suspended. Passages of vessels through the canal will be monitored and specific cases will be investigated where damage by suction or wave wash does occur. Owners and operators of yachts, motorboats, rowboats and other craft are cautioned that large deep draft ocean-going vessels and other large commercial vessels ply the canal, and such owners and operators should be particularly careful to moor or anchor well away from the main ship channels, with moorings and lines which are sufficient and proper.

(c) *Right-of-way.* All vessels proceeding with the current shall have the right-of-way over those proceeding against the current. Large vessels or tows must not overtake and attempt to pass other large vessels or tows in the waterway. All small pleasure craft shall relinquish the right-of-way to deeper draft vessels, which have a limited maneuvering ability due to their draft and size.

(d) *Stopping in waterway.* Vessels will not be permitted to stop or anchor in the ship channel.

(e) *Water skiing.* Water skiing in the waterway is prohibited between Reedy Point and Welch Point.

(f) *Sailboats.* Transiting the canal by vessels under sail is not permitted between Reedy Point and Welch Point.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.65 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.

(a) *Description.* This section applies to the following:

(1) *Waterways.* All navigable waters of the United States, natural or artificial, including bays, lakes, sounds, rivers, creeks, intra-coastal waterways, as well as canals and channels of all types, which are tributary to or connected by other waterways with the Atlantic Ocean south of Chesapeake Bay or with the Gulf of Mexico east and south of St. Marks, Florida.

(2) *United States property.* All river and harbor lands owned by the United States in or along the waterways de-

scribed in paragraph (a)(1) of this paragraph, including lock sites and all structures thereon, other sites for Government structures and for the accommodation and use of employees of the United States, and rights of way and spoil disposal areas to the extent of Federal interest therein.

(3) *Vessels and rafts.* The term "vessel" as used in this section includes all floating things moved over these waterways other than rafts.

(b) *Waterways—(1) Fairway.* A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the various waterways under his charge.

(2) *Stoppage in waterway, anchorage or mooring.* (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in case of an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or craft. Stoppages shall be only for such periods as may be necessary.

(ii) No vessel or raft will be allowed to use any portion of the fairway as a mooring place except temporarily as authorized above without the written permission from the District Commander.

(iii) When tied up, all vessels must be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents or the suction of passing vessels. Tow lines shall be shortened so that the different parts of the tow shall be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another.

(iv) Lights shall be displayed in accordance with provisions of the Inland Rules and the Pilot Rules for Inland Waters.

(v) No vessel, even if fastened to the bank as prescribed in paragraph (b)(2)(i) of this section, shall be left without a sufficient crew to care for it properly.

(vi) Vessels will not be permitted to load or unload in any of the land cuts except as a regular established landing or wharf without written permission secured in advance from the District Commander.

(vii) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing, if navigation is obstructed, thereby.

(viii) Except in cases of emergency the dropping of anchors, weights, or other ground tackle, within areas occupied by submarine cable or pipe crossings, is prohibited. Such crossings will ordinarily be marked by signboards on each bank of the shore or indicated on coast charts.

(3) *Speed.* (i) Vessels shall proceed at a speed which will not endanger other vessels or structures and will not interfere with any work in progress incident to maintaining, improving, surveying or marking the channel.

(ii) Official signs indicating limiting speeds through critical portions of the waterways shall be strictly obeyed.

(iii) Vessels approaching and passing through a bridge shall so govern their speed as to insure passage through the bridge without damage to the bridge or its fenders.

(iv) A vessel being overtaken by another shall slacken speed sufficiently to permit the passage to be affected with safety to both vessels.

(4) *Assembly and handling of tows.*

(i) All vessels drawing tows and equipped with rudders shall use two tow lines or a bridle and shorten them to the greatest possible extent so as to have full control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. If necessary, as in the case of lengthy or cumbersome tows or tows in restricted channels, the District Commander may require that tows be broken up and may require the installation of a rudder, drag or other approved steering device on the tow in order to avoid obstructing navigation

or damaging the property of others, including aids to navigation maintained by the United States or under its authorization, by collision or otherwise.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) Tows desiring to pass a bridge shall approach the opening along the axis of the channel so as to pass through without danger of striking the bridge or its fenders. No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(iv) In the event that it is evident to the master of a towing vessel that a tow cannot be safely handled through a bridge, it will be brought to anchor and the towed vessels will be taken through the bridge in small units, or singly if necessary, or the tow will wait until navigation conditions have improved to such an extent that the tow can pass through the bridge without damage.

(5) *Projections from vessels.* No vessel carrying a deck load which overhangs or projects over the side of said vessel, or whose rigging projects over the side of the vessel so as to endanger passing vessels, wharves or other property, will enter or pass through any of the narrow parts of the waterway.

(6) *Meeting and passing.* Vessels, on meeting or overtaking, shall give the proper signals and pass in accordance with the Inland Rules and the Pilot Rules for Inland Waters. Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges or other plant engaged on improvements to a waterway, shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then proceed to pass at a speed sufficiently slow to insure safe navigation.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.75 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and Atchafalaya River) from St. Marks, Fla., to the Rio Grande.

(a) The regulations in this section shall apply to:

(1) *Waterways.* All navigable waters of the U.S. tributary to or connected by other waterways with the Gulf of Mexico between St. Marks, Fla., and the Rio Grande, Tex. (both inclusive), and the Gulf Intracoastal Waterway; except the Mississippi River, its tributaries, South and Southwest Passes, and the Atchafalaya River above its junction with the Morgan City-Port Allen Route.

(2) *Bridges, wharves, and other structures.* All bridges, wharves, and other structures in or over these waterways.

(3) *Vessels.* The term "vessels" as used in this section includes all floating craft other than rafts.

(b) *Waterways:*

(1) A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and tows normally using the various waterways covered by the regulations of this section.

(2) *Fairway:* The District Commander may specify the width of the fairway required in the various waterways under his charge.

(3) *Anchoring or mooring:*

(i) Vessels or tows shall not anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency, or with permission of the District Commander. Whenever it becomes necessary for a vessel or tow to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or tows. Stoppages shall be only for such periods as may be necessary.

(ii) When tied up individually, all vessels and tows shall be moored by bow and stern lines. Tows shall be secured at sufficiently frequent intervals to insure their not being drawn away

from the bank by winds, currents, or the suction of passing vessels. Lines shall be shortened so that the various barges in a tow will be as close together as possible.

(iii) Lights shall be displayed in accordance with provisions of the Inland Rules and the Pilot Rules for Inland Waters.

(iv) Whenever any vessel or tow is moored to the bank (paragraph (b)(3)(i) of this section) at least one crew member shall always remain on board to see that proper signals are displayed and that the vessel or tow is properly moored at all times.

(v) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing if navigation is obstructed thereby.

(4) *Speed:* Speeding in narrow sections is prohibited. Official signs indicating limited speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing over vessels or structures in or along the waterway.

(5) *Size, assembly, and handling of tows:*

(i) On waterways 150 feet wide or less, tows which are longer than 1,180 feet, including the towing vessel, but excluding the length of the hawser, or wider than one-half of the bottom width of the channel or 55 feet, whichever is less will not be allowed, except when the District Commander has given special permission or the waterway has been exempted from these restrictions by the District Commander. Before entering any narrow section of the Gulf Intracoastal Waterway, tows in excess of one-half the channel width, or 55 feet, will be required to stand by until tows which are less than one-half the channel width or 55 feet wide have cleared the channel. When passing is necessary in narrow channels, overwidth tows shall yield to the maximum. Separate permission must be received from the District Commander for each overlength or overwidth movement. In addition, the following exceptions are allowed:

(ii) Gulf Intracoastal Waterway—Between mile 6.2 EHL (Inner Harbor Navigation Canal Lock) and mile 33.6

EHL tows of 78 feet in width will be allowed.

(iii) Gulf Intercoastal Waterway—Between mile 33.6 EHL and the Mobile Bay Ship Channel, tows of 108 feet in width will be allowed if under 750 feet in length including the towboat but excluding the length of the hawser.

(iv) Gulf Intracoastal Waterway—Mobile Bay Ship Channel to St. Marks, Fla., for tows made up of empty barges on the off or shallow side, a width of 75 feet will be allowed.

(v) All vessels pulling tows not equipped with rudders, in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened as much as safety of the towing vessel permits, so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of lengthy or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel are permissible provided that adequate power is employed to keep the tows under full control at all times. No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(vi) All tows navigating the Pass Manchac bridges in Louisiana are limited to no more than two barges, not to exceed a combined tow length of 400 feet (excluding the towboat). Vessel operators for tows exceeding these limits must request and receive permission from the COTP New Orleans prior to navigating the bridges. Requests should be made by telephoning the COTP at 504-589-7101. Any

decision made by the COTP is final agency action.

(6) Projections from vessels: Vessels or tows carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side so as to endanger passing vessels, wharves, or other property, shall not enter or pass through any of the narrow parts of the waterway without prior approval of the District Commander.

(7) Meeting and passing: Passing vessels shall give the proper signals and pass in accordance with the International Rules, the Inland Rules and the Pilot Rules for Inland Waters, where applicable. At certain intersections where strong currents may be encountered, sailing directions may be issued through navigation bulletins or signs posted on each side of the intersections.

NOTE: The Corps of Engineers also has regulations dealing with this section in 2 CFR 207.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 78-050, 45 FR 43167, June 26, 1980]

§ 162.80 Mississippi River below mouth of Ohio River, including South and Southwest passes.

(a) *Mooring on the Mississippi River between miles 311.5 AHP and 340.0 AHP.* (1) No vessel or craft shall moor along either bank of the Mississippi River between miles 311.5 AHP and mile 340.0 AHP except in case of an emergency, pursuant to an approved navigation permit, or as authorized by the District Commander. Vessels may be moored any place outside the navigation channel in this reach in case of an emergency and then for only the minimum time required to terminate the emergency. When so moored, all vessels shall be securely tied with bow and stern lines of sufficient strength and fastenings to withstand currents, winds, wave action, suction from passing vessels or any other forces which might cause the vessels to break their moorings. When vessels are so moored, a guard shall be on board at all times to ensure that proper signals are displayed and that the vessels are securely and adequately moored.

(2) Vessels may be moored any time at facilities constructed in accordance with an approved navigation permit or as authorized by the District Commander. When so moored, each vessel shall have sufficient fastenings to prevent the vessels from breaking loose by wind, current, wave action, suction from passing vessels or any other forces which might cause the vessel to break its mooring. The number of vessels in one fleet and the width of the fleet of vessels tied abreast shall not extend into the fairway or be greater than allowed under the permit.

(3) Mariners should report immediately by radio or fastest available means to the lockmaster at Old River Lock or to any government patrol or survey boat in the vicinity any emergency mooring or vessels drifting uncontrolled within the area described in paragraph (a)(1) of this section. It is the responsibility and duty of the master of a towing vessel releasing or mooring a vessel in this reach of the Mississippi River to report such action immediately.

(b) *Mooring on Mississippi River below Baton Rouge, La., including South and Southwest Passes.* (1) When tied up individually or in fleets, vessels shall be moored with sufficient lines and shore fastenings to insure their remaining in place and withstanding the action of winds, currents and the suction of passing vessels.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

(Sec. 7, 38 Stat. 1053, as amended, (33 U.S.C. 471); Sec. 6(g)(1)(A) 80 Stat. 937, (49 U.S.C. 1655(g)(1)(A)); Sec. 12, 92 Stat. 1471, (33 U.S.C. 1231); 49 CFR 1.46 (c)(1) and (n)(4)) [CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 77-028, 46 FR 49851, Oct. 2, 1981; CGD 87-09, 53 FR 15555, May 2, 1988]

§ 162.85 Yazoo Diversion Canal, Vicksburg, Miss., from its mouth at Kleinston Landing to Fisher Street; navigation.

(a) *Speed.* Excessive speeding is prohibited. A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction.

plant engaged in river and harbor improvement, levees, floodwalls withstanding floodwaters, buildings submerged or partially submerged by high waters, or any other structure or improvement likely to be damaged by collision, suction, or wave action.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.90 White River, Arkansas Post Canal, Arkansas River, and Verdigris River between Mississippi River, Ark., and Catoosa, Okla.; use, administration, and navigation.

(a) The regulations in this section shall apply to:

(1) *Waterways.* White River between Mississippi River and Arkansas Post Canal, Ark.; Arkansas Post Canal, Ark.; Arkansas River between Arkansas Post Canal, Ark., and Verdigris River, Okla.; Verdigris River between Arkansas River and Catoosa, Okla.; and reservoirs on these waterways between Mississippi River Ark., and Catoosa, Okla.

(2) *Bridges, wharves and other structures.* All bridges, wharves, and other structures in or over the waterways described in paragraph (a)(1) of this section.

(3) *Vessels and rafts.* The term "vessels" as used in this section includes every description of watercraft used, or capable of being used, as a means of transportation on water, other than rafts.

(b) *Waterways:*

(1) *Fairway.* A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the waterways under his charge.

(2) *Anchoring or mooring in waterway.* (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the

bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or rafts. Stoppages shall be only for such periods as may be necessary.

(ii) Except temporarily, as authorized in paragraph (b)(2)(i) of this section, no vessel or raft will be allowed to use any portion of the fairway as a mooring place without written permission from the District Commander.

(iii) When tied up individually, all vessels shall be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Towlines shall be shortened so that the different parts of the tow will be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another if the combined width of vessels or rafts is greater than 70 feet.

(iv) When a vessel is moored under an emergency condition, as provided in paragraph (b)(2)(i) of this section, at least one crew member shall remain in attendance to display proper lights and signals and tend the mooring lines. The crew member shall be provided with an adequate means of communication or signalling a warning in the event that, for any reason, the vessel or tow should go adrift. Immediately after completion of the emergency mooring, the lockmaster of the first lock downstream shall be notified of the character and cargo of the vessel and the location of such mooring.

(v) Vessels will not be permitted to load or unload in any of the land cuts, except at a regular established landing or wharf, without written permission secured in advance from the District Commander.

(vi) Except in an emergency, no vessel or raft shall anchor over revetted banks of the waterway, nor shall any type vessel except launches and other small craft land against banks protected by revetment except at regular commercial landings.

(3) *Speed.* (i) Excessive speed in narrow sections is prohibited. Official signs indicating limiting speeds

through critical sections shall be strictly obeyed.

(ii) When approaching and passing through a bridge, all vessels and rafts regardless of size, shall control their speed so as to insure that no damage will be done to the bridge or its fenders.

(iii) Within the last mile of approach to unattended, normally open automatic, movable span bridges, the factor of river flow velocity, of vessel (and tow) velocity, and of vessel power and crew capability are never to be permitted to result in a condition whereby the movement of vessel (and tow) cannot be completely halted or reversed within a 3-minute period.

(iv) A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees withstanding floodwaters, buildings submerged or partially submerged by high waters, or any other manner of structure or improvements likely to be damaged by collision, suction, or wave action.

(4) *Assembly and handling of tows.* (i) All vessels drawing tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened to the greatest possible extent so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of length or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel is permissible provided that adequate power is employed to

keep the tow under full control at all times.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(5) *Projections from vessels.* No vessels carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall enter or pass through any of the narrow parts of the waterway.

(6) *Meeting and passing.* Vessels on meeting or overtaking shall give the proper signals and pass in accordance with the Inland Rules and the Pilot Rules for Inland Waters. Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges or other plant engaged on improvements to a waterway shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then pass at a speed sufficiently slow to insure safe navigation. Vessels approaching an intersection or bend where the view is obstructed must exercise due caution. At certain intersections where strong currents may be encountered, sailing directions may be issued from time to time through navigation bulletins or signs posted on each side of the intersections which must be observed.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.100 Ohio River at Louisville, Ky.; restricted area.

(a) *The area.* The portion of the Ohio River from the Clark Memorial (highway) Bridge, Mile 603.5, downstream to McAlpine Dam, Mile 604.4.

(b) *The regulations.* (1) No pleasure or fishing craft shall be operated within the restricted area at any time without prior permission of the Captain of the Port, Louisville, except in case of emergency and except:

(i) For passage through the Louisville and Portland Canal:

(ii) For launching and docking at the Louisville, Kentucky Wharf within the restricted area; and

(iii) During open river conditions.

EFFECTIVE DATE NOTE: By CGD 2-89-04, 55 FR 23203, June 7, 1990, § 162.100 was redesignated as § 165.202 and revised, effective July 9, 1990.

§ 162.105 Missouri River; administration and navigation.

(a) *Supervision.* The District Commander, Second Coast Guard District, has certain administrative supervision overreaches of the river within the limits of his district and is charged with the enforcement under his direction of emergency regulations to govern navigation on the river.

(b) *Navigation.* During critical flood stages on any particular limited reach of the Missouri River when lives, floating plant, or major shore installations and levees are endangered, the District Commander in charge of the locality shall have the authority to declare the reach of the river closed to navigation or to prescribe temporary speed regulations whenever it appears to him that such action is necessary to prevent immediate human suffering or to mitigate major property damage or destruction from wave action. The period of closure and all speed regulations prescribed by the District Commander shall be for the duration of the emergency as determined by the District Commander and shall be terminated at the earliest practicable time that improved river conditions permit.

§ 162.110 Duluth-Superior Harbor, Minnesota and Wisconsin.

(a) No vessel greater than 100 feet in length may exceed 8 miles per hour in Duluth-Superior Harbor.

(b) In the Duluth Ship Canal:

(1) No vessel may meet or overtake another vessel if each vessel is greater than 150 feet in length (including tug and tow combinations).

(2) An inbound vessel has the right of way over an outbound vessel.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.115

§ 162.115 Keweenaw Waterway, Mich.

(a) No vessel greater than 40 feet in length may exceed 8 miles per hour between Lily Pond and Pilgrim Point.

(b) No vessel may use either the Portage River harbor of refuge or the Lily Pond harbor of refuge longer than 24 hours unless given permission to do so by the Captain of the Port.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.120 Harbors on Lake Michigan.

(a) No vessel greater than 40 feet in length may exceed 8 miles per hour in the harbors of Michigan City, Indiana; St. Joseph, South Haven, Saugatuck, Holland (Lake Macatawa), Grand Haven, Muskegon, White Lake, Pentwater, Ludington, Manistee, Portage Lake (Manistee County), Frankfort, Charlevoix, and Petoskey, Michigan.

(b) No vessel greater than 40 feet in length may exceed 4 miles per hour in the harbors of Menominee, Michigan and Wisconsin; Algoma, Kewaunee, Two Rivers, Manitowac, Sheboygan, Port Washington, Milwaukee, Racine, Kenosha and Green Bay, Wisconsin; and Waukegan, Illinois.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.125 Sturgeon Bay and the Sturgeon Bay Ship Canal, Wisc.

(a) In the Sturgeon Bay Ship Canal:
(1) No vessel may exceed 5 miles per hour.

(2) No vessel greater than 150 feet in length (including tug and tow combinations) may come about.

(3) No vessel 65 feet or greater in length (including tug and tow combinations) may either:

(i) Enter or pass through the canal two or more abreast; or

(ii) Overtake another vessel.

(4) No vessel may anchor or moor unless given permission to do so by the Captain of the Port.

(5) Each vessel must keep to the center, except when meeting or overtaking another vessel.

(b) In Sturgeon Bay and the Sturgeon Bay Ship Canal:

(1) Each laden vessel under tow must be towed with at least two tows. Each towline must be shortened

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to the extent necessary to provide maximum control of the tow.

(2) Each unladen vessel may be towed with one towline.

(3) No towline may exceed 100 feet in length.

(4) No vessel may tow another vessel alongside.

(5) No vessel may tow a raft greater than 50 feet in width.

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.130 Connecting waters from Lake Huron to Lake Erie; general rules.

(a) *Purpose.* The regulations in §§ 162.130 through 162.140 prescribe rules for vessel operation in U.S. waters connecting Lake Huron to Lake Erie (including the River Rouge) to prevent collisions and groundings, to protect waterway improvements, and to protect these waters from environmental harm resulting from collisions and groundings.

NOTE: The Canadian Government has issued similar regulations which apply in the Canadian portion of the waterway. Provisions which apply only in Canadian waters are noted throughout the text.

(b) *Applicability.* (1) Unless otherwise specified, the rules in §§ 162.130 through 162.140 apply to all U.S. vessels and all other vessels in U.S. waters.

(2) The speed rules in § 162.138 apply to vessels 20 meters or more in length.

(3) The communications rules in § 162.132, the traffic rules in § 162.134 and the anchorage rules in § 162.136 apply to the following vessels:

(i) Vessels of 20 meters or more in length;

(ii) Commercial vessels more than 8 meters in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(iii) Each dredge and floating plant.

(c) *Definitions.* As used in §§ 162.130 through 162.140:

"Captain of the Port" means the United States Coast Guard Captain of the Port of Detroit, Michigan.

"Detroit River" means the connecting waters from Windmill Point Light

to the lakeward limits of the improved navigation channels at the head of Lake Erie.

"District Commander" means Commander, Ninth Coast Guard District, Cleveland, Ohio.

"Master" means the licensed master or operator, the person designated by the master or operator to navigate the vessel, or, on a vessel not requiring licensed personnel, the person in command of the vessel.

"River Rouge" means the waters of the Short Cut Canal and the River Rouge from Detroit Edison Cell Light 1 to the head of navigation.

"St. Clair River" means the connecting waters from the lakeward limit of the improved navigation channel at the lower end of Lake Huron to St. Clair Flats Canal Light 2.

"SARNIA TRAFFIC" means the Canadian Coast Guard traffic center at Sarnia Ontario.

(d) *Laws and regulations not affected.* The regulations in §§ 162.130 through 162.140 do not relieve the owners or operators of vessels from complying with any other laws or regulations relating to navigation on the Great Lakes and their connecting or tributary waters.

(e) *Delegations.* The District Commander, in coordination with appropriate Canadian officials, may make local arrangements that do not conflict with these regulations in the interest of safety of operations, to facilitate traffic movement and anchorage, to avoid disputes as to jurisdiction and to take necessary action to render assistance in emergencies. This authority may be redelegated.

[CGD 78-151, 49 FR 18301, Apr. 30, 1984; 49 FR 26722, June 29, 1984, as amended by CGD 85-060, 51 FR 17016, May 8, 1986]

§ 162.132. Connecting waters from Lake Huron to Lake Erie; communications rules.

(a) *Radio listening watch.* The master of each vessel required to comply with this section shall continuously monitor:

(1) Channel 11 (156.55 mhz) between Lake Huron Cut Lighted Buoy 11 and Lake St. Clair Light; and

(2) Channel 12 (156.60 mhz) between Lake St. Clair Light and Detroit River Light.

(b) *Radiotelephone equipment.* Reports required by this section shall be made by the master using a radiotelephone capable of operation on a vessel's navigation bridge, or in the case of a dredge, from its main control station.

(c) *English language.* Reports required by this section shall be made in the English language.

(d) *Traffic reports.* (1) Reports required by this section shall be made to SARNIA TRAFFIC on the frequency designated for the radio listening watch in paragraph (a) of this section.

(2) Reports shall include the name of the vessel, location, intended course of action, and ETA at next reporting point.

(e) *Permanent reporting points.* The master of each vessel to which this section applies shall report as required by paragraph (d) of this section at the location indicated in Table I.

TABLE I

Downbound vessels	Reporting points	Upbound vessels
Report.....	30 Minutes North of Lake Huron Cut.	
Report.....	Lighted Horn Buoy "11"	
	Lake Huron Cut Light "7"	Report.
	Lake Huron Cut Lighted Buoy "1"	
Report.....	St. Clair/Black River Junction Light.	Report.
	Stag Island Upper Light.....	Report.
Report.....	Marine City Salt Dock Light.....	Report.
Report.....	Grande Pointe Light "23"	
	St. Clair Flats Canal Light "2"	Report.
Report.....	Lake St. Clair Light.....	Report.
Report.....	Belle Isle Light.....	Report.
Report.....	Grassy Island Light.....	Report.
Report.....	Detroit River Light.....	Report.

(f) *Additional traffic reports.*

(1) A report shall be made upon leaving any dock, mooring, or anchorage, in the Detroit River, Lake St. Clair, and the St. Clair River except for—

- (i) Ferries on regular runs; and
- (ii) Vessels in the River Rouge.

(2) A report shall be made before maneuvering to come about.

(3) A report shall be made—

(i) 20 minutes before entering or departing the River Rouge; and

(ii) Immediately before entering or departing the River Rouge.

(g) *Report of impairment or other hazard.* The master of a vessel shall report to SARNIA TRAFFIC as soon as possible:

(1) Any condition on the vessel that may impair its navigation, including but not limited to: fire, defective steering equipment, or defective propulsion machinery.

(2) Any tow that the towing vessel is unable to control, or can control only with difficulty.

(h) *Exemptions.* Compliance with this section is not required when a vessel's radiotelephone equipment has failed.

[CGD 78-151, 49 FR 18301, Apr. 30, 1984; 49 FR 26722, June 29, 1984, as amended by CGD 85-060, 51 FR 17016, May 8, 1986; CGD 85-060, 51 FR 37274, Oct. 21, 1986]

§ 162.134 Connecting waters from Lake Huron to Lake Erie; traffic rules.

(a) *Detroit River.* The following traffic rules apply in the Detroit River:

(1) The West Outer Channel is restricted to downbound vessels.

(2) The Livingston Channel, west of Bois Blanc Island, is restricted to downbound vessels.

NOTE: The Amherstburg Channel, in Canadian waters east of Bois Blanc Island, is normally restricted to upbound vessels. No vessel may proceed downbound in the Amherstburg Channel without authorization from the Regional Director General.

(3) Between Fighting Island Channel South Light and Bar Point Pier Light 29D, no vessels shall meet or overtake in such a manner that more than two vessels would be abreast at any time.

(4) Between the west end of Belle Isle and Peche Island Light, vessels may only overtake vessels engaged in towing.

(b) *River Rouge.* In the River Rouge, no vessel shall overtake another vessel.

(c) *St. Clair River.* The following traffic rules apply in the St. Clair River:

(1) Between St. Clair Flats Canal Light 2 and Russell Island Light 33, vessels may only overtake vessels engaged in towing.

(2) Between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy there is a zone of alternating one way traffic. Masters shall coordinate their movements in accordance with the following rules;

(i) Vessels shall not overtake.

(ii) Vessels shall not come about.

(iii) Vessels shall not meet.

(iv) Downbound vessels which have passed Lake Huron Cut Lighted Buoy 7 have the right of way over upbound vessels which have not reached the Port Huron Traffic Lighted Buoy. Upbound vessels awaiting transit of downbound vessels will maintain position south of the Port Huron Traffic Lighted Buoy.

(v) Vessels transiting the zone shall coordinate passage by using communication procedures in § 162.132.

(vi) Transiting vessels shall have the right of way over moored vessels getting underway within the zone.

(d) In the waters described in § 162.130(a), the District Commander or Captain of the Port may establish temporary traffic rules for reasons which include but are not limited to: channel obstructions, winter navigation, unusual weather conditions, or unusual water levels.

(e) The requirements of this section do not apply to public vessels of the U.S. or Canada engaged in icebreaking or servicing aids to navigation or to vessels engaged in river and harbor improvement work.

[CGD 78-151, 49 FR 18302, Apr. 30, 1984; 49 FR 26722, June 29, 1984]

§ 162.136 Connecting waters from Lake Huron to Lake Erie; anchorage grounds.

(a) In the Detroit River, vessels shall be anchored so as not to swing into the channel or across steering courses.

NOTE: There is an authorized anchorage in Canadian waters just above Fighting Island and an authorized anchorage in U.S. waters south of Belle Isle (33 CFR 110.206).

(b) In the St. Clair River, vessels shall be anchored so as not to swing into the channel or across steering courses.

[CGD 78-151, 49 FR 18302, Apr. 30, 1984, as amended by CGD 85-060, 51 FR 17016, May 8, 1986]

§ 162.138 Connecting waters from Lake Huron to Lake Erie; speed rules.

(a) *Maximum speed limit.* Except when required for the safety of the vessel or any other vessel, vessels of 20 meters or more in length shall proceed at a speed not greater than—

(1) 12 statute miles per hour (10.4 knots) between Port Gratiot Light and St. Clair Flats Canal Light 2;

(2) 12 statute miles per hour (10.4 knots) between Peche Island Light and Detroit River Light; and

(3) 4 statute miles per hour (3.5 knots) in the River Rouge.

NOTE: The maximum speed limit is 5.8 statute miles per hour (5 knots) in the navigable channel south of Peche Island.

(b) *Temporary speed limits.* The District Commander may temporarily establish speed limits or temporarily amend existing speed limit regulations on the waters described in § 162.130(a).

[CGD 78-151, 49 FR 18302, Apr. 30, 1984; 49 FR 26722, June 29, 1984]

§ 162.140 Connecting waters from Lake Huron to Lake Erie; miscellaneous rules.

(a) *Rules for towing vessels.* (1) A towing vessel may drop or anchor its tow only in accordance with the provisions of § 162.136.

(2) A towing vessel engaged in arranging its tow shall not obstruct the navigation of other vessels.

(b) *Pilots.* In the St. Clair River between Lake Huron Cut Lighted Buoy 1 and Port Huron Traffic Lighted Buoy, vessels shall not take on, discharge, or exchange pilots unless weather conditions would make the maneuver unsafe in the customary pilot area.

[CGD 78-151, 49 FR 18302, Apr. 30, 1984]

§ 162.145 Monroe Harbor, Mich.

(a) In the lake channel, no vessel greater than 40 feet in length may exceed 10 miles per hour.

(b) In the river channel:

(1) No vessel greater than 40 feet in length may exceed 6 miles per hour.

(2) No vessel may use a towline exceeding 200 feet in length.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.150 Maumee Bay and River, Ohio.

(a) In Maumee Bay (lakeward of Maumee River Lighted Buoy 49(L/L No. 770)), no vessel greater than 100 feet in length may exceed 12 miles per hour.

(b) In Maumee River (inward of Maumee River Lighted Buoy 49(L/L No. 770)):

(1) No vessel greater than 40 feet in length may exceed 6 miles per hour.

(2) No vessel greater than 100 feet in length (including tug and tow combinations) may overtake another vessel.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.155 Sandusky and Huron Harbors, Ohio.

(a) In Sandusky Harbor, no vessel greater than 40 feet in length may exceed 10 miles per hour.

(b) In Huron Harbor, no vessel greater than 40 feet in length may exceed 6 miles per hour, except in the outer harbor where no vessel greater than 40 feet in length may exceed 10 miles per hour.

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.160 Vermilion, Lorain, Cleveland, Fairport, Ashtabula, and Conneaut Harbors, Ohio.

(a) In Vermilion Harbor, no vessel may exceed 6 miles per hour.

(b) In Lorain, Cleveland, Fairport, Ashtabula, and Conneaut Harbors, no vessel may exceed 6 miles per hour, except in the outer harbors, where no vessel may exceed 10 miles per hour.

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.165 Buffalo and Rochester Harbors, New York

In Buffalo and Rochester Harbors, no vessel may exceed 6 miles per hour, except in the outer harbors where no vessel may exceed 10 miles per hour.

§ 162.175

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.175 Black Rock Canal and Lock at Buffalo, New York.

In the Black Rock Canal and Lock, no vessel may exceed 6 miles per hour.

NOTE: The Corps of Engineers also has regulations dealing with these areas in 33 CFR Part 207.

[CGD 79-151, 46 FR 7960, Jan. 26, 1981]

§ 162.195 Santa Monica Bay, Calif.; restricted area.

(a) *The area.* The waters of the Pacific Ocean, Santa Monica Bay, in an area extending seaward from the shoreline a distance of about 5 nautical miles (normal to the shoreline) and basically outlined as follows:

Station	Latitude North	Longitude West
A.....	33°54'50"	118°25'41"
B.....	33°54'50"	118°26'00"
C.....	33°53'59.5"	118°31'37"
D.....	33°56'19.5"	118°34'05"
E.....	33°56'25"	118°28'29"

(b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission.

(2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

(3) All vessels entering the area, other than vessels operated by or for the United States, the State of California, the county of Los Angeles, or the city of Los Angeles, shall proceed across the area by the most direct route and without unnecessary delay. The area will be open and unrestricted to small recreational craft for recreational activities at all times.

(4) The placing of bouys, markers, or other devices requiring anchors will not be permitted.

(5) The city of Los Angeles will maintain a patrol of the area as needed.

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§ 162.200 Marina del Rey, Calif.; restricted area.

(a) *The area.* That portion of the Pacific Ocean lying shoreward of the offshore breakwater and the most seaward 1,000 feet of the entrance channel between the north and south jetties, and basically outlined as follows:

Station	Latitude	Longitude
A.....	33°57'46.0"	118°27'36.1"
B.....	33°57'52.3"	118°27'43.6"
C.....	33°57'48.6"	118°27'48.1"
D.....	33°57'29.8"	118°27'34.7"
E.....	33°57'30.9"	118°27'28.1"
F.....	33°57'37.4"	118°27'33.8"
G.....	33°57'42.4"	118°27'23.0"
H.....	33°57'50.6"	118°27'28.7"

(b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission except in an emergency.

(2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

§ 162.205 San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.

(a) *Pinole Shoal Channel, San Pablo Bay; use, administration, any navigation.* (1) The use of Pinole Shoal Channel is reserved for navigation of vessels of greater draft than 20 feet or by towboats with tows drawing more than 20 feet. Vessels operated by either sail or power and tows drawing less than 20 feet are not permitted to use this channel or to cross it at any point between San Pablo Bay Lighted Buoy 5 and San Pablo Bay Lighted Bell Buoy 13.

(2) Vessels permitted to use Pinole Shoal Channel under paragraph (a)(1) of this section shall proceed through the channel at a reasonable speed so as not to endanger other vessels or interfere with any work which may become necessary in maintaining, surveying, or buoying the channel, and they shall not anchor in the channel, except in cases of emergency such as

fog or accident which would render progress unsafe or impossible.

(3) This paragraph shall not be construed as prohibiting any necessary use of the channel by any Government boats while on Government duty, or in emergencies by pilot boats, whether steam or sail, or by police boats, or by the vessels of passenger steamship lines operated on regular schedules.

(b) *San Joaquin River Deep Water Channel between Suisun Bay and the easterly end of the channel at Stockton; use, administration and navigation*—(1) *Maximum speed.* The maximum speed for all ocean-going craft shall not exceed 10 miles per hour above the lower end of New York Slough, seven miles per hour above Criminal Point, or five miles per hour while passing any wharf, dock, or moored craft. As used in this paragraph, the speed of a vessel when navigating with the current shall be its rate of movement in excess of the velocity of the current.

(2) *Passing.* All craft passing other boats, barges, scows, etc., in motion, moored or anchored, shall slow down and take every necessary precaution to avoid damage.

(3) *Right of way.* (i) United States dredges, tugs, launches, derrick boats, and similar plant of contractors executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 80 of this chapter shall have the right of way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractors' plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channel-way cannot otherwise be provided. Ocean-going vessels may show at the masthead a black ball not more than 20 inches in diameter as a signal to the dredge, and may also blow five long blasts of the whistle when within reasonable hearing distance of the dredge, such signal to be followed at the proper time by the passing signal

described in the local pilot rules. The dredge shall promptly acknowledge both signals in the usual manner.

(ii) Light-draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right of way to such vessels by making use of the shallower portions of the waterway.

(iii) Rafts and tows must promptly give the channel side demanded upon proper signal by a vessel, and must be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin must, if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the northwest side of Mandeville Island or in the Old River.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(5) *Wrecks.* In no case following accidents of fire or collision will a vessel be allowed to remain either anchored or grounded in the channel, or beached at any place where it endangers other vessels, while settlement is pending with the underwriters.

(6) *Other laws and regulations.* In all other respects, the existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(c) *Sacramento Deep Water Ship Channel between Suisun Bay and easterly end of Turning Basin at West Sacramento; use, administration, and navigation*—(1) *Maximum speed for all ocean going craft*—(i) *Between To-lands Landing (Mile 6.2) and Rio Vista Bridge.* When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 8 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 10 knots.

(ii) *Between Rio Vista Bridge and Port of Sacramento.* When going against a current of two knots or more, the maximum speed over the

bottom shall not exceed 5 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 7 knots.

(iii) *Speed past docks or moored craft.* Within 550 feet of the centerline of the channel the speed shall be the minimum required to maintain steerage; wind, tide, current, etc., being taken into consideration.

(iv) *Passing.* All craft passing other boats, barges, scows, etc., underway, moored or anchored, shall take every necessary precaution to avoid damage.

(v) *Speed, high-water precautions.* When passing another vessel (underway, anchored, or tied up); a wharf or other structure; work under construction; plant engaged in river and harbor improvement; levees withstanding flood waters; buildings partially or wholly submerged by high water; or any other structure liable to damage by collision, suction or wave action; vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damage to the vessel or structure being passed. As deemed necessary for public safety during high river stages, floods, or other emergencies, the District Commander may prescribe, by navigation bulletins or other means, the limiting speed in knots or temporarily close the waterway or any reach of it to traffic. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance herewith.

(2) *Right of way.* (i) Dredges, tugs, launches, derrick boats and other similar equipment, executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in Part 80, of this Chapter, shall have the right-of-way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractor's plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the

ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided.

(ii) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the inland pilot rules for vessels underway and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(iii) When the pipeline from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipeline or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipeline shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (c)(2)(ii) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(iv) When any pipeline or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

(v) Shallow draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right-of-way to such vessels by making use of the shallower portions of the waterway, whenever possible.

(vi) Tows should promptly give the channel side requested by proper signal from a vessel, and should be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(3) *Obstruction of traffic.* (i) Except as provided in paragraph (c)(2) of this section no person shall willfully or carelessly obstruct the free navigation of the waterway, or delay any vessel having the right to use the waterway.

(ii) No vessel shall anchor within the channel except in distress or under stress of weather. Any vessel so anchored shall be moved as quickly as possible to such anchorage as will leave the channel clear for the passage of vessels.

(iii) Motorboats, sailboats, rowboats, and other small craft shall not anchor or drift in the regular ship channel except under stress of weather or in case of breakdown. Such craft shall be so operated that they will not interfere with or endanger the movement of commercial or public vessels.

(4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin, must if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the southwest side of Ryer Island from Mile 15.0 to Mile 16.3 or in the Harbor and Turning Basin at West Sacramento.

(ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(5) *Marine accidents.* Masters, mates, pilots, owners, or other persons using the waterway to which this paragraph applies shall notify the Commander, 12th U.S. Coast Guard District and in the case of undocumented vessels, the State Division of Small Craft Harbors also, by the most expeditious means available of all marine accidents, such as fire, collision, sinking or stranding, where there is possible obstruction of the channel or interference with navigation or where damage to Government property is involved, furnishing a clear statement as to the name, address, and ownership of the vessel or vessels involved, the time and place, and the action taken. In all cases, the owner of the sunken vessel shall take immediate steps to mark the wreck properly.

(6) *Other laws and regulations.* In all other respects, existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(d) *Sacramento River, Decker Island Restricted Anchorage for Vessels of the U.S. Government.*— (1) The anchorage ground. An elongated area in the Sacramento River bounded on the west by the shore of Decker Island and the following lines: Beginning on the shore at Decker Island North End Light at latitude 38°06'18" N., longitude 121°42'32.5" W.; thence easterly to latitude 38°06'15" N., longitude 121°42'27" W.; thence southerly to latitude 38°05'22" N., longitude 121°42'30" W.; thence southwesterly to latitude 38°05'08" N., longitude 121°42'40" W.; thence west southwesterly to latitude 38°05'02" N., longitude 121°42'50" W.; thence northwesterly to the shore of Decker Island at latitude 38°05'04" N., longitude 121°42'52.5" W. (2) *Special Regulation.* No Vessel or other craft except those owned by or operating under contract with the United States may navigate or anchor within 50 feet of any moored Government vessel in the area. Commercial and pleasure craft shall not moor to buoys or chains of Government vessels, nor may they, while moored or underway, obstruct the passage of Government or other vessels through the area.

NOTE: The Corps of Engineers also has regulations dealing with this section in 33 CFR Part 207.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD12 84-07, 51 FR 12318, Apr. 10, 1986]

§ 162.210 Lake Tahoe, Calif.; restricted areas along south shore.

(a) *The areas.*—(1) *Baldwin Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 2, Section 26, Township 13 North (Mount Diablo Base Line), Range 17 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly about 2,850 feet to the east line of Section 26 at a point 300 feet north of the

high waterline; thence northeasterly 1,740 feet to a point 300 feet north of the high waterline; thence southeasterly about 1,810 feet to the projected east line of the former Baldwin property at a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

(2) *Camp Richardson, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the southeasterly corner of sec. 25, T. 13 N., R. 17 E., Mount Diablo Base and Meridian; thence north 410 feet along the east line of sec. 25; thence northwesterly 95 feet to the high waterline which is the true point of beginning; thence north 130 feet; thence southeasterly 565 feet; and thence south 130 feet to the high waterline.

(3) *Pope Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west line of the former Pope property, about 750 feet westerly of the west boundary line of Lot 2, Section 6, Township 12 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly 4,200 feet to a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

(4) *El Dorado County Beach.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 1, Section 32, Township 13 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 500 feet; thence northeasterly about 1,350 feet to the projected east line of Lot 1 at a point 500 feet north of the high waterline; and thence south 500 feet to the high waterline.

(b) *The regulations.* No sail or machine-propelled watercraft, except vessels owned or controlled by the U.S. Coast Guard, shall navigate or anchor in the restricted area.

§ 162.215 Lake Tahoe, Nev.; restricted area adjacent to Nevada Beach.

(a) *The restricted area.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with a line projected in a general southerly direction 200 feet from a point lying 310 feet west of section corner common to section 15, 16, 21, and 22, Township 13 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence 300 feet lakeward at right angles to the high waterline; thence southeasterly approximately 2,170 feet to the projected south boundary line of the Forest Service property at a point 300 feet west of the high waterline; and thence east 300 feet to the high waterline.

(b) *The regulations.* No sail or motor propelled watercraft, except vessels owned or controlled by the United States Government and vessels duly authorized by the United States Coast Guard, shall navigate or anchor in the restricted area.

§ 162.220 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz. Nev.

(a) *Lake Mead and Lake Mohave; restricted areas—*(1) *The areas.* That portion of Lake Mead extending 700 feet upstream of the axis of Hoover Dam and that portion of Lake Mohave (Colorado River) extending 4,500 feet downstream of the axis of Hoover Dam.

(2) *The regulations.* The restricted areas shall be closed to navigation and other use by the general public. Only vessels owned by or controlled by the U.S. Government and the States of Arizona and Nevada shall navigate or anchor in the restricted areas. *Provided, however,* The Regional Director, Region 3, U.S. Bureau of Reclamation, Boulder City, Nev., may authorize, by written permit, individuals or groups to navigate or anchor in the restricted areas when it is deemed in the public interest. Copies of said permits shall be furnished the enforcing agencies.

(b) *Lake Mead; speed regulation.* In that portion of Lake Mead extending 300 feet upstream of the restricted area described in paragraph (a) of this

section, a maximum speed of 5 miles per hour shall not be exceeded.

(c) *Supervision.* The regulations in this section shall be supervised by the District Commander, Eleventh Coast Guard District.

§ 162.225 Columbia and Willamette Rivers, Washington and Oregon; administration and navigation.

(a) *Supervision.* The District Commander, Thirteenth Coast Guard District, has certain administrative supervision over the Columbia and Willamette Rivers, and is charged with the enforcement under his direction of emergency regulations to govern navigation of these streams.

(b) *Speed.* During very high water stages (usually 25 feet or more on the Vancouver, Washington, gage) when lives, floating plant or major shore installations are endangered, the District Commander shall have authority to prescribe such temporary speed regulations as he may deem necessary for the public safety. During critical periods of freshets under 25 feet on the Vancouver, Washington, gage when construction is in progress, rehabilitation, or other unusual emergency makes a major shore installation susceptible to loss or major damage from wave action, the District Commander shall have authority to prescribe for a particular limited reach of the river as appropriate such temporary speed regulations as he may deem necessary to protect the integrity of such structure. All speed regulations prescribed by the District Commander shall be obeyed for the duration of the emergency and shall be terminated at the earliest practicable time that improved stream conditions permit.

§ 162.230 Columbia River, Wash.

(a) *Grand Coulee Dam discharge channel; restricted area—*(1) *The area.* That portion of the Columbia River between Grand Coulee Dam (situated at river mile 596.6) and river mile 593.7.

(2) *The regulations.* (i) No vessel shall enter or navigate within the area without permission from the enforcing agency.

(ii) The regulation in this section shall be enforced by the Chief, Power

Field Division, Columbia Basin Project, U.S. Department of the Interior, Coulee Dam, Washington.

§ 162.235 Puget Sound Area, Wash.

(a) *Waterway connecting Port Townsend and Oak Bay; use, administration, and navigation—*(1) *Works to which regulations apply.* The "canal grounds" when used in this paragraph shall mean that area between the south end of the jetties in Oak Bay and the northerly end of the dredge channel approximately 400 yards northwest of Port Townsend Canal Light. The "canal" is the water lying between these limits and the banks containing the same.

(2) *Speed.* The speed limit within the canal grounds shall not exceed five miles per hour.

(3) *Signals.* All boats desiring to use the canal shall give one long and one short whistle. Southbound boats shall sound the signal within 600 yards of Port Townsend Canal Light. Northbound boats shall sound this signal at least 500 feet south from the end of the jetties in Oak Bay. If no other boat answers the signal the first boat shall have the right of way through the canal. Any approaching boat that is in the canal shall answer by giving the same signal and the first boat shall not enter the canal until the second boat shall have passed through the canal. In the case of boats going in the same direction the boat which is in the canal shall not answer the signal of the boat desiring to enter.

(4) *Passing.* Steamers shall not under any circumstances attempt to pass each other in the canal, either when going in the same or opposite directions.

(5) *Anchoring.* No steamers or boats shall anchor or tie up within the canal grounds unless they are well over on the tide flats to the west of the dredged channel, and off the right of way belonging to the United States.

(6) *Tows.* No tow shall enter or pass through the canal with a towline more than 200 in length.

(7) *Delaying traffic.* No person shall cause or permit any vessel or boat of which he is in charge, or on which he is employed, to obstruct the canal in

§ 162.240

any way or delay in passing through it.

(b) *West Waterway, Seattle Harbor; navigation.* (1) The movement of vessels of 250 gross tons or over and all vessels with tows of any kind through the narrow section of West Waterway between the bend at Fisher's Flour Mill dock and the bend at the junction of East Waterway with Duwamish Waterway, and through the draws of the City of Seattle and Northern Pacific Railway Company bridges crossing this narrow section, shall be governed by red and green traffic signal lights mounted on the north and south sides of the west tower of the City Light power crossing at West Spokane Street.

(2) Two green lights, one vertically above the other, displayed ahead of a vessel, shall indicate that the waterway is clear. Two red lights, one vertically above the other, displayed ahead of a vessel, shall indicate that the waterway is not clear.

(3) A vessel approaching the narrow section and drawbridges from either end of the waterway shall give one long blast of a whistle and shall not enter the narrow section until green lights are displayed.

(4) One vessel may follow another vessel in either direction, but the channel shall not be kept open in the same direction for an unreasonable time if a vessel is waiting at the other end.

(5) Tugs, launches, and small craft shall keep close to one side of the channel when vessels or boats with tows are passing.

(6) All craft shall proceed with caution. The display of a green light is not a guarantee that the channel is clear of traffic, and neither the United States nor the City of Seattle will be responsible for any damage to vessels or other property which may be chargeable to mistakes in the operation of the signal lights or to their failure to operate.

NOTE: The Corps of Engineers also has regulations dealing with this section in 35 CFR Part 207.

33 CFR Ch. I (7-1-90 Edition)

§ 162.240 Tongass Narrows, Alaska; navigation.

(a) *Definitions.* The term "Tongass Narrows" includes the body of water lying between Revillagigedo Channel and Guard Island in Clarence Strait.

(b) No vessel shall exceed a speed of seven knots between Idaho Rock and Charcoal Point.

(c) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

(d) No vessel shall moor or anchor to any structure of the United States other than mooring piers, wharves, and floats without the consent of the Captain of the Port, Southeast Alaska. The office of the Captain of the Port, Southeast Alaska, is located in Juneau, Alaska.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, amended by CGD 77-217, 43 FR 60458, Dec. 28, 1978; CGD 82-039, 47 FR 27266, June 3, 1982]

§ 162.245 Kenai River, Kenai, Alaska; navigation, and administration.

(a) *The area.* The main channel area of the river, having a width of 15 feet, beginning at a point directly off shore from the centerline of the city dock and extending about 2,200 feet upstream to a point 200 feet upstream from the Inlet Co. dock.

(b) *The regulations.* (1) Vessels may navigate, anchor, or moor within the area until such time as notification received or observation is made of intended passage to or from the docking areas.

(2) Notice of anticipated passage of towboats and barges shall be indicated 24 hours in advance by display of a red flag by the Inlet Co. from its war house.

§ 162.250 Port Alexander, Alaska; speed of vessels.

(a) *Definition.* The term "Port Alexander" includes the entire inlet from its head to its entrance from Chatham Strait.

(b) *Speed.* The speed of all vessels of 5 tons or more gross, ships registered shall not exceed 3 miles per hour.

either in entering, leaving, or navigating within Port Alexander, Alaska.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 82-039, 47 FR 27266, June 24, 1982]

§ 162.255 Wrangell Narrows, Alaska; use, administration, and navigation.

(a) *Definitions.* (1) The term "Wrangell Narrows" includes the entire body of water between Wrangell Narrows North Entrance Lighted Bell Buoy 63 and Midway Rock Light.

(2) The term "raft section" refers to a standard raft of logs or piling securely fastened together for long towing in Alaska inland waters in the manner customary with the local logging interests, i.e., with booms, swifters, and tail sticks. It normally contains 30,000 to 70,000 feet board measure of logs or piling and has a width of 45 to 60 feet and a length of 75 to 100 feet.

(b) *Speed restrictions.* No vessel shall exceed a speed of seven (7) knots in the vicinity of Petersburg, between Wrangell Narrows Channel Light 58 and Wrangell Narrows Lighted Buoy 60.

(c) *Tow channel.* The following route shall be taken by all tows passing through Wrangell Narrows when the towboat has a draft of 9 feet or less (northbound, read down; southbound, read up):

East of Battery Islets:

East of Tow Channel Buoy 1 TC.

East of Tow Channel Buoy 3 TC.

West of Tow Channel Buoy 4 TC.

East of Colorado Reef:

East of Wrangell Narrows Channel Light 21.

West of Wrangell Narrows Channel Lighted Buoy 25.

East of Tow Channel Buoy 5 TC.

East of Tow Channel Buoy 7 TC.

West of Petersburg:

East of Wrangell Narrows Channel Light 54 Fr.

East of Wrangell Narrows Channel Light 56 Qk FR.

East of Wrangell Narrows Channel Light 58 Fr., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangell Narrows North Entrance Lighted Bell Buoy 63 P.

(d) *Size of tows.* The maximum tows permitted shall be one pile driver, or

three units of other towable equipment or seven raft sections.

(e) *Arrangement of tows.* (1) No towline or aggregate of towlines between towboat and separated pieces shall exceed 150 feet in length.

(2) Raft and barge tows of more than one unit shall not exceed 65 feet in width overall. Single barge tows shall not exceed 80 feet in width overall.

(3) Tows other than rafts shall be taken alongside the towboat whenever possible.

(f) *Anchorage.* Vessels may anchor in the anchorage basin in the vicinity of Anchor Point. No craft or tow shall be anchored in Wrangell Narrows in either the main ship channel or the towing channel, nor shall any craft or tow be anchored so that it can swing into either of these channels.

(g) *Disabled craft.* Disabled craft in a condition of absolute necessity are exempt from the regulations in this section.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 82-039, 47 FR 27266, June 24, 1982]

§ 162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.

(a) Steamers passing dredge engaged in improving the channel shall not have a speed greater than 4 miles an hour, and the propelling machinery shall be stopped when crossing the lines to the dredge anchors.

(b) Vessels using the channel shall pass the dredge on the side designated from the dredge by the signals prescribed in paragraph (c) of this section.

(c) Dredge shall display the red flag by day and four white lights hung in a vertical line by night to indicate the passing side.

(d) Vessels shall not anchor on the ranges of stakes or other marks placed for the guidance of the dredge, nor in such a manner as to obstruct the channel for passing vessels.

(e) Vessels shall not run over or disturb stake, lanterns, or other marks placed for the guidance of the dredge.

(f) Dredges working in the prosecution of the work shall not obstruct the channel unnecessarily.

(g) The dredge will slack lines running across the channel from the dredge on the passing side, for passing vessels, when notified by signal, with whistle or horn.

(h) The position of anchors of the dredge shall be marked by buoys plainly visible to passing vessels.

§ 162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) The regulations in this section shall govern the use and navigation of waters in the vicinity of the following National Defense Reserve Fleets of the Maritime Administration, Department of Transportation:

(1) James River Reserve Fleet, Fort Eustis, Virginia.

(2) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.

(3) Suisun Bay Reserve Fleet near Benicia, California.

(b) No vessels or other watercraft, except those owned or controlled by the United States Government, shall cruise or anchor between Reserve Fleet units within 500 feet of the end vessels in each Reserve Fleet unit, or within 500 feet of the extreme units of the fleets, unless specific permission of do so has first been granted in each case by the enforcing agency.

(c) The regulations in this section shall be enforced by the respective Fleet Superintendents and such agencies as they may designate.

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 86-053, 51 FR 43742, Dec. 4, 1986]

PART 163—TOWING OF BARGES

Sec.

163.01 Application.

163.05 Tows of seagoing barges within inland waters.

163.20 Bunching of tows.

AUTHORITY: 33 U.S.C. 180, 30 Stat. 90; 49 CFR 1.46(c)(2); 28 Stat. 647, 33 U.S.C. 258; 49 CFR 1.46(c)(3); sec. 4233 R.S., 33 U.S.C. 322.

§ 163.01 Application.

(a) The regulations in this apply to vessels navigating the bays, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, Red River of the North, the Mississippi River and its tributaries above P. Long Bridge, and that part of Atchafalaya River above its junction with the Plaquemine-Morgan Citternate waterway.

(b) Seagoing barges and their vessels shall be subject to the regulations in this part under the provisions of section 14 of the Act of 28, 1908, as amended (sec. 14, 35 Stat. 428, as amended; 33 U.S.C. 152). Under the provisions of section 15 of the Act of May 28, 1908, as amended (sec. 15, 35 Stat. 429; 33 U.S.C. 153), the penalty for use of an unlawful towline be an action against the master of the towing vessel seeking the suspension or revocation of his license.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, amended by CGFR 66-59, 31 FR 13647, 22, 1966. Redesignated by CGD 81-017, FR 28154, May 26, 1981]

§ 163.05 Tows of seagoing barges within inland waters.

(a) The tows of seagoing barges when navigating the inland waters of the United States shall be limited in length to five vessels, including the towing vessel or vessels.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

§ 163.20 Bunching of tows.

(a) In all cases where tows are bunched, it should be done.

(b) Tows navigating in the Hudson and East Rivers of New York must be bunched above a line drawn between Robbins Reef Light and Owls Head, Brooklyn, but the quarantine anchorage and the north entrance to the brose Channel shall be avoided in the process of bunching tows.

(c) Tows must be bunched above the mouth of the Schuylkill River, Pa.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, amended by CGFR 64-21, 29 FR 5733]

Coast Guard, DOT

30, 1964. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981)

PART 164—NAVIGATION SAFETY REGULATIONS

Sec.

- 164.01 Applicability.
- 164.02 Applicability exception for foreign vessels.
- 164.03 Incorporation by reference.
- 164.11 Navigation underway: General.
- 164.19 Requirements for vessels at anchor.
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- 164.30 Charts, publications, and equipment: General.
- 164.33 Charts and publications.
- 164.35 Equipment: All vessels.
- 164.37 Equipment: Vessels of 10,000 gross tons or more.
- 164.38 Automatic radar plotting aids (ARPA).
- 164.39 Steering gear: Tankers.
- 164.40 Devices to indicate speed and distance.
- 164.41 Electronic position fixing devices.
- 164.42 Rate of turn indicator.
- 164.51 Deviations from rules: Emergency.
- 164.53 Deviations from rules and reporting: Non-operating equipment.
- 164.55 Deviations from rules: Continuing operation or period of time.
- 164.61 Marine casualty reporting and record retention.

Authority: 33 U.S.C. 1223, 46 U.S.C. 3703. Sec. 164.61 also issued under 46 U.S.C. 6101; 49 CFR 1.46 (n).

§ 164.01 Applicability.

(a) This part (except as specifically limited herein) applies to each self-propelled vessel of 1600 or more gross tons (except foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

[CGD 83-004, 49 FR 43466, Oct. 29, 1984]

§ 164.02 Applicability exception for foreign vessels.

(a) This part (including §§ 164.38 and 164.39) does not apply to vessels that:

- (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and
- (2) Are in:

- (i) Innocent passage through the territorial sea of the United States; or

- (ii) Transit through navigable waters of the United States which form a part of an international strait.

[CGD 77-063, 44 FR 66530, Nov. 19, 1979, as amended by CGD 79-148, 45 FR 54039, Aug. 14, 1980]

§ 164.03 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found the date of the edition approved, citations to the particular sections of this part where the material is incorporated, addresses where the material is available, and the date of the approval by the Director of the Federal Register. To enforce any edition other than the one listed in the table, notice of the change must be published in the FEDERAL REGISTER and the material made available. All approved material is on file at the Office of the Federal Register, Washington, DC 20408 and at Room 4402, U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C.

(b) The materials approved for incorporation by reference in this part are: Radio Technical Commission For Marine Services (RTCM) Paper 12-78/DO-100 dated 12/20/77.

[CGD 81-081, 47 FR 58244, Dec. 30, 1982]

§ 164.11 Navigation underway: General.

The owner, master, or person in charge of each vessel underway shall ensure that:

- (a) The wheelhouse is constantly manned by persons who:

- (1) Direct and control the movement of the vessel; and

- (2) Fix the vessel's position;

- (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

- (c) The position of the vessel at each fix is plotted on a chart of the area and the person directing the movement of the vessel is informed of the vessel's position;

(d) Electronic and other navigational equipment, external fixed aids to navigation, geographic reference points, and hydrographic contours are used when fixing the vessel's position;

(e) Buoys alone are not used to fix the vessel's position;

NOTE: Buoys are aids to navigation placed in approximate positions to alert the mariner to hazards to navigation or to indicate the orientation of a channel. Buoys may not maintain an exact position because strong or varying currents, heavy seas, ice, and collisions with vessels can move or sink them or set them adrift. Although buoys may corroborate a position fixed by other means, buoys cannot be used to fix a position; however, if no other aids are available, buoys alone may be used to establish an estimated position.

(f) The danger of each closing visual or each closing radar contact is evaluated and the person directing the movement of the vessel knows the evaluation;

(g) Rudder orders are executed as given;

(h) Engine speed and direction orders are executed as given;

(i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times;¹

(k) If a pilot other than a member of the vessel's crew is employed, the pilot is informed of the draft, maneuvering characteristics, and peculiarities of the vessel and of any abnormal circumstances on the vessel that may affect its safe navigation.

(l) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(m) Predicted set and drift are known by the person directing movement of the vessel;

(n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(o) The vessel's anchors are ready for letting go;

¹ See also 46 U.S.C. 672, which requires an able seaman at the wheel on U.S. vessels of 100 gross tons or more in narrow or crowded waters or during low visibility.

(p) The person directing the movement of the vessel sets the vessel's speed with consideration for:

(1) The prevailing visibility and weather conditions;

(2) The proximity of the vessel to fixed shore and marine structures;

(3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(4) The comparative proportions of the vessel and the channel;

(5) The density of marine traffic;

(6) The damage that might be caused by the vessel's wake;

(7) The strength and direction of the current; and

(8) Any local vessel speed limit;

(q) The tests required by § 164.25 are made and recorded in the vessel's log and

(r) The equipment required by this part is maintained in operable condition.

(s) Upon entering U.S. waters, the steering wheel or lever on the navigating bridge is operated to determine if the steering equipment is operating properly under manual control, unless the vessel has been steered under manual control from the navigating bridge within the preceding 2 hours, except when operating on the Great Lakes and their connecting and tributary waters.

(t) At least two of the steering gear power units on the vessel are in operation when such units are capable of simultaneous operation, except when operating on the Great Lakes and their connecting and tributary waters.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977, as amended by CGD 83-004, 49 FR 43406, Oct. 29, 1984]

§ 164.19 Requirements for vessels at anchor.

The master or person in charge of each vessel that is anchored shall ensure that:

(a) A proper anchor watch is maintained;

(b) Procedures are followed to detect a dragging anchor; and

(c) Whenever weather, tide, or current conditions are likely to cause the vessel's anchor to drag, action is taken

to ensure the safety of the vessel, structures, and other vessels, such as being ready to veer chain, let go a second anchor, or get underway using the vessel's own propulsion or tug assistance.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

§ 164.25 Tests before entering or getting underway.

(a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(1) Primary and secondary steering gear. The test procedure includes a visual inspection of the steering gear and its connecting linkage, and, where applicable, the operation of the following:

(i) Each remote steering gear control system.

(ii) Each steering position located on the navigating bridge.

(iii) The main steering gear from the alternative power supply, if installed.

(iv) Each rudder angle indicator in relation to the actual position of the rudder.

(v) Each remote steering gear control system power failure alarm.

(vi) Each remote steering gear power unit failure alarm.

(vii) The full movement of the rudder to the required capabilities of the steering gear.

(2) All internal vessel control communications and vessel control alarms.

(3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(5) Main propulsion machinery, ahead and astern.

(b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this subpart, are considered to remain in compli-

ance until arriving at the next port of call on the Great Lakes.

(c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

(d) No vessel may enter, or be operated on the navigable waters of the United States unless the emergency steering drill described below has been conducted within 48 hours prior to entry and logged in the vessel logbook, unless the drill is conducted and logged on a regular basis at least once every three months. This drill must include at a minimum the following:

(1) Operation of the main steering gear from within the steering gear compartment.

(2) Operation of the means of communications between the navigating bridge and the steering compartment.

(3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

(92 Stat. 1471 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

[CGD 77-183, 45 FR 18925, Mar. 24, 1980, as amended by CGD 83-004, 49 FR 43466, Oct. 29, 1984]

§ 164.30 Charts, publications, and equipment: General.

No person may operate or cause the operation of a vessel unless the vessel has the marine charts, publications, and equipment as required by §§ 164.33 through 164.41 of this part.

[CGD 82-055, 48 FR 44535, Sept. 29, 1983]

§ 164.33 Charts and publications.

(a) Each vessel must have the following:

(1) Marine charts of the area to be transited, published by the National Ocean Service, U.S. Army Corps of Engineers, or a river authority that—

(i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(ii) Are currently corrected.

(2) For the area to be transited, a currently corrected copy of, or applica-

ble currently corrected extract from, each of the following publications:

- (i) U.S. Coast Pilot.
- (ii) Coast Guard Light List.
- (3) For the area to be transited, the current edition of, or applicable current extract from:

- (i) Tide tables published by the National Ocean Service.

- (ii) Tidal current tables published by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

- (b) As an alternative to the requirements for paragraph (a) of this section, a marine chart or publication, or applicable extract, published by a foreign government may be substituted for a U.S. chart and publication required by this section. The chart must be of large enough scale and have enough detail to make safe navigation of the area possible, and must be currently corrected. The publication, or applicable extract, must singly or in combination contain similar information to the U.S. Government publication to make safe navigation of the area possible. The publication, or applicable extract must be currently corrected, with the exceptions of tide and tidal current tables, which must be the current editions.

- (c) As used in this section, "currently corrected" means corrected with changes contained in all Notices to Mariners published by Defense Mapping Agency Hydrographic/Topographic Center, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.

[CGD 82-055, 48 FR 44535, Sept. 29, 1983]

§ 164.35 Equipment: All vessels.

Each vessel must have the following:

- (a) A marine radar system for surface navigation.

- (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

- (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

- (d) A gyrocompass.

- (e) An illuminated repeater for the gyrocompass required by paragraph (d) of this section that is at the main steering stand, unless that gyrocompass is illuminated and is at the main steering stand.

- (f) An illuminated rudder angle indicator in the wheelhouse.

- (g) The following maneuvering information prominently displayed on fact sheet in the wheelhouse:

- (1) A turning circle diagram to port and starboard that shows the time and distance and advance and transfer required to alter course 90 degrees with maximum rudder angle and constant power settings, for either full and half speeds, or for full and slow speeds. For vessels whose turning circles are essentially the same for both directions, a diagram showing a turning circle in one direction, with a note on the diagram stating that turns to port and starboard are essentially the same, may be substituted.

- (2) The time and distance to stop the vessel from either full and half speed or from full and slow speeds, while maintaining approximately the initial heading with minimum application of the rudder.

- (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

- (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

- (5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel.

- (6) The maneuvering information for the normal load and normal ballast condition for:

- (i) Calm weather—wind 10 knots or less, calm sea;

- (ii) No current;

- (iii) Deep water conditions—water depth twice the vessel's draft or greater; and

- (iv) Clean hull.

- (7) At the bottom of the fact sheet the following statement:

WARNING

The response of the (name of the vessel) may be different from that listed above if any of the following conditions, upon which the maneuvering information is based, are varied:

- (1) Calm weather—wind 10 knots or less, calm sea;
- (2) No current;
- (3) Water depth twice the vessel's draft or greater;
- (4) Clean hull; and
- (5) Intermediate drafts or unusual trim.

(h) An echo depth sounding device.

(i) A device that can continuously record the depth readings of the vessel's echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

(j) Equipment on the bridge for plotting relative motion.

(k) Simple operating instructions with a block diagram, showing the change-over procedures for remote steering gear control systems and steering gear power units, permanently displayed on the navigating bridge and in the steering gear compartment.

(l) An indicator readable from the centerline conning position showing the rate of revolution of each propeller, except when operating on the Great Lakes and their connecting and tributary waters.

(m) If fitted with controllable pitch propellers, an indicator readable from the centerline conning position showing the pitch and operational mode of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(n) If fitted with lateral thrust propellers, an indicator readable from the centerline conning position showing the direction and amount of thrust of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(92 Stat. 1471 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

[CGD 74-77, 43 FR 5956, Jan. 31, 1977, as amended by CGD 77-183, 45 FR 18925, Mar. 24, 1980; CGD 83-004, 49 FR 43466, Oct. 29, 1984]

§ 164.37 Equipment: Vessels of 10,000 gross tons or more.

(a) Each vessel of 10,000 gross tons or more must have, in addition to the radar system under § 164.35(a), a second marine radar system that operates independently of the first.

NOTE: Independent operation means two completely separate systems, from separate branch power supply circuits or distribution panels to antennas, so that failure of any component of one system will not render the other system inoperative.

(b) On each tanker of 10,000 gross tons or more that is subject to Section 5 of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391a), the dual radar system required by this part must have a short range capability and a long range capability; and each radar must have true north features consisting of a display that is stabilized in azimuth.

(Titles I and II, 86 Stat. 426, 427 (33 U.S.C. 1224; 46 U.S.C. 391(a); 49 CFR 1.46(n)(4))

[CGD 77-016, 43 FR 32112, July 24, 1978, as amended by CGD 79-033, 44 FR 28741, May 7, 1979; CGD 79-033, 47 FR 34389, Aug. 9, 1982]

§ 164.38 Automatic radar plotting aids (ARPA).

(a) The following definitions are used in this section—

"Bulk" means material in any quantity that is shipped, stored, or handled without benefit of package, label, mark or count and carried in integral or fixed independent tanks.

"Constructed" means a stage of construction where—

(1) The keel is laid;

(2) Construction identifiable with a specific ship begins; or

(3) Assembly of that ship has commenced comprising at least 50 tons or 1 percent of the estimated mass of all structural material, whichever is less.

"Hazardous material" means—

(1) A flammable liquid as defined in 46 CFR 30.10-22 or a combustible liquid as defined in 46 CFR 30.10-15;

(2) A material listed in table 151.05 of 46 CFR 151.05, table 1 of 46 CFR 153, or table 4 of 46 CFR Part 154; or

(3) A liquid, liquefied gas, or compressed gas listed in 49 CFR 172.101.

"Self-propelled vessel" includes those combinations of pushing vessel and vessel being pushed ahead which are rigidly connected in a composite unit and are required by Rule 24(b) of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) (App. A to 33 CFR Part 81) to exhibit the lights prescribed in Rule 23 for a "Power Driven Vessel Underway".

"Tank vessel" means a vessel that is constructed or adapted to carry; or carries, oil or hazardous materials in bulk as cargo or cargo residue.

(b) An Automatic Radar Plotting Aid (ARPA) that complies with the standard for such devices adopted by the International Maritime Organization in its "Operational Standards for Automatic Radar Plotting Aids" (Appendix A), except as provided by paragraph (c) of this section, and that has both audible and visual alarms, must be installed in accordance with the following schedule:

(1) Each self-propelled vessel, except a public vessel, of 10,000 gross tons or more carrying oil or hazardous materials in bulk as cargo or in residue on the navigable waters of the United States, or which transfers oil or hazardous materials in any port or place subject to the jurisdiction of the United States, must be equipped with an ARPA.

(2) Each tank vessel constructed before September 1, 1984, and not required to be ARPA equipped by paragraph (b)(1) of this section, operating on the navigable waters of the United States, must be equipped with an ARPA—

(i) If of 40,000 gross tons or more, by January 1, 1985;

(ii) If of 10,000 gross tons or more but less than 40,000 gross tons, by January 1, 1986.

(3) Each self-propelled vessel, except when operating on the Great Lakes and their connecting and tributary waters, constructed before September 1, 1984, and that is not a tank vessel, and is not carrying oil or hazardous material in bulk as cargo or in residue operating on the navigable waters of the United States, must be equipped with an ARPA—

(i) If of 40,000 gross tons or more, by September 1, 1986;

(ii) If of 20,000 gross tons or more, but less than 40,000 gross tons, by September 1, 1987;

(iii) If of 15,000 gross tons or more, but less than 20,000 gross tons, by September 1, 1988.

(4) Each vessel of 10,000 gross tons or more, except when operating on the Great Lakes and their connecting and tributary waters, constructed on or after September 1, 1984 must be equipped with an ARPA.

(c) Devices installed prior to September 1, 1984, that comply with the U.S. Maritime Administration's "Collision Avoidance System Specification" (Appendix B), and do not comply with the IMO standard, may be retained until January 1, 1991.

(d)(1) Each device required under paragraph (b) of this section must have a permanently affixed label containing:

(i) The name and address of the manufacturer; and

(ii) The following statement:

"This device was designed and manufactured to comply with the International Maritime Organization (IMO) Performance Standards for Automatic Radar Plotting Aids (ARPA)."

(2) Each device allowed under paragraph (c) of this section must have a permanently affixed label containing:

(i) The name and address of the manufacturer; and

(ii) The following statement:

"This device was designed and manufactured to comply with the U.S. Maritime Administration's 'Collision Avoidance System Specification.'"

APPENDIX A TO § 164.38—PERFORMANCE STANDARDS FOR AUTOMATIC RADAR PLOTTING AIDS (ARPA)

1 Introduction

1.1 The Automatic Radar Plotting Aid (ARPA) should, in order to improve the standard of collision avoidance at sea:

.1 Reduce the work-load of observers by enabling them to automatically obtain information so that they can perform as well with multiple targets as they can by manually plotting a single target; and

.2 Provide continuous, accurate and rapid situation evaluation.

1.3 In addition to the General Requirements for Electronic Navigational Aids (IMO Res. A.261(VII)), the ARPA should comply with the following minimum performance standards.

2 Definitions

2.1 Definitions of terms in these performance standards are given in Annex 1.

3 Performance Standards

3.1 Detection

3.1.1 Where a separate facility is provided for detection of targets, other than by the radar observer, it should have a performance not inferior to that which could be obtained by the use of the radar display.

3.2 Acquisition

3.2.1 Target acquisition may be manual or automatic. However, there should always be a facility to provide for manual acquisition and cancellation. ARPA with automatic acquisition should have a facility to suppress acquisition in certain areas. On any range scale where acquisition is suppressed over a certain area, the area of acquisition should be indicated on the display.

3.2.2 Automatic or manual acquisition should have a performance not inferior to that which could be obtained by the user of the radar display.

3.3 Tracking

3.3.1 The ARPA should be able to automatically track, process, simultaneously display and continuously update the information on at least:

1. 20 targets, if automatic acquisition is provided, whether automatically or manually acquired; or

2. 10 targets, if only manual acquisition is provided.

3.3.2 If automatic acquisition is provided, description of the criteria of selection of targets for tracking should be provided to the user. If the ARPA does not track all targets visible on the display, targets which are being tracked should be clearly indicated on the display. The reliability of tracking should not be less than that obtainable using manual recording of successive target positions obtained from the radar display.

3.3.3 Provided the target is not subject to target swap, the ARPA should continue to track an acquired target which is clearly distinguishable on the display for 5 out of 10 consecutive scans.

3.3.4 The possibility of tracking errors, including target swap, should be minimized by ARPA design. A qualitative description of the effects of error sources on the automatic tracking and corresponding errors should be provided to the user, including the effects of low signal to noise and low signal to clutter ratios caused by sea returns, rain, snow, low clouds and non-synchronous emission.

3.3.5 The ARPA should be able to display on request at least four equally time-spaced past positions of any targets being tracked over a period of at least eight minutes.

3.4 Display

3.4.1 The Display may be a separate or integral part of the ship's radar. However, the ARPA display should include all the data required to be provided by a radar display in accordance with the performance standards for navigational radar equipment adopted by the Organization.

3.4.2 The design should be such that any malfunction of ARPA parts producing information additional to information to be produced by the radar as required by the performance standards for navigational equipment adopted by IMO should not affect the integrity of the basic radar presentation.

3.4.3 The display on which ARPA information is presented should have an effective diameter of at least 340 mm.

3.4.4 The ARPA facilities should be available on at least the following range scales:

- 1. 12 or 16 miles;
- 2. 3 or 4 miles.

3.4.5 There should be a positive indication of the range scale in use.

3.4.6 The ARPA should be capable of operating with a relative motion display with "north-up" and either "head-up" or "course-up" azimuth stabilization. In addition, the ARPA may also provide for a true motion display. If true motion is provided, the operator should be able to select for his display either true or relative motion. There should be a positive indication of the display mode and orientation in use.

3.4.7 The course and speed information generated by the ARPA for acquired targets should be displayed in a vector or graphic form which clearly indicates the target's predicted motion. In this regard:

1. ARPA presenting predicted information in vector form only should have the option of both true and relative vectors;

2. An ARPA which is capable of presenting target course and speed information in graphic form, should also, on request, provide the target's true and/or relative vector;

3. Vectors displayed should be either time adjustable or have a fixed time-scale;

4. A positive indication of the time-scale of the vector in use should be given.

3.4.8 The ARPA information should not obscure radar information in such a manner as to degrade the process of detecting targets. The display of ARPA data should be under the control of the radar observer. It should be possible to cancel the display of unwanted ARPA data.

3.4.9 Means should be provided to adjust independently the brilliance of the ARPA data and radar data, including complete elimination of the ARPA data.

3.4.10 The method of presentation should ensure that the ARPA data is clearly visible in general to more than one observer in the conditions of light normally experienced on the bridge of a ship by day and by night. Screening may be provided to shade the display from sunlight but not to the extent that it will impair the observer's ability to maintain a proper lookout. Facilities to adjust the brightness should be provided.

3.4.11 Provisions should be made to obtain quickly the range and bearing of any object which appears on the ARPA display.

3.4.12 When a target appears on the radar display and, in the case of automatic acquisition, enters within the acquisition area chosen by the observer or, in the case of manual acquisition, has been acquired by the observer, the ARPA should present in a period of not more than one minute an indication of the target's motion trend and display within three minutes the target's predicted motion in accordance with paragraphs 3.4.7, 3.6, 3.8.2 and 3.8.3.

3.4.13 After changing range scales on which the ARPA facilities are available or resetting the display, full plotting information should be displayed within a period of time not exceeding four scans.

3.5 Operational Warnings

3.5.1 The ARPA should have the capability to warn the observer with a visual and/or audible signal of any distinguishable target which closes to a range or transits a zone chosen by the observer. The target causing the warning should be clearly indicated on the display.

3.5.2 The ARPA should have the capability to warn the observer with a visual and/or audible signal of any tracked target which is predicted to close to within a minimum range and time chosen by the observer. The target causing the warning should be clearly indicated on the display.

3.5.3 The ARPA should clearly indicate if a tracked target is lost, other than out of range, and the target's last tracked position should be clearly indicated on the display.

3.5.4 It should be possible to activate or de-activate the operational warnings.

Scenario/data	Relative course (degrees)	Relative speed (knots)	C.P.A. (n.m.)	TCPA (mins)	True course (degrees)	True speed (knots)
1	3.0	0.8	0.5	1.0	7.5	12
2	2.3	.3			2.9	3
3	4.4	.9	.7	1.0	3.3	10
4	4.6	.8	.7	1.0	2.6	12

3.8.4 When a tracked target, or own ship, has completed a manoeuvre, the system should present in a period of not more than one minute an indication of the target's motion trend, and display within three min-

3.6 Data Requirements

3.6.1 At the request of the observer the following information should be immediately available from the ARPA in alphanumeric form in regard to any tracked target:

1. Present range to the target;
2. Present bearing of the target;
3. Predicted target range at the closest point of approach (CPA);
4. Predicted time to CPA (TCPA);
5. Calculated true course of target;
6. Calculated true speed of target.

3.7 Trial Manoeuvre

3.7.1 The ARPA should be capable of simulating the effect on all tracked targets of an own ship manoeuvre without interrupting the updating of target information. The simulation should be initiated by the depression either of a spring-loaded switch, or of a function key, with a positive identification on the display.

3.8 Accuracy

3.8.1 The ARPA should provide accuracies not less than those given in paragraphs 3.8.2 and 3.8.3 for the four scenarios defined in Annex 2. With the sensor errors specified in Annex 3, the values given relate to the best possible manual plotting performance under environmental conditions of plus and minus ten degrees of roll.

3.8.2 An ARPA should present within one minute of steady state tracking the relative motion trend of a target with the following accuracy values (95 percent probability values):

Scenario/data	Relative course (degrees)	Relative speed (Knots)	CPA (n.m.)
1	11	2.8	10
2	7	0.8	
3	14	2.2	10
4	15	1.5	10

3.8.3 An ARPA should present within three minutes of steady state tracking the motion of a target with the following accuracy values (95 percent probability values):

utes the target's predicted motion in accordance with paragraphs 3.4.7, 3.6, 3.8.3 and 3.8.3.

3.8.5 The ARPA should be designed in such a manner that under the most favor-

able conditions of own ship motion the error contribution from the ARPA should remain insignificant compared to the errors associated with the input sensors, for scenarios of Annex 2.

3.9 Connexions with other equipment

3.9.1 The ARPA should provide suitable performance of any equipment providing sensor inputs. The connexion of the ARPA to any other equipment should not degrade the performance of that equipment.

3.10 Performance test and warnings

3.10.1 The ARPA should provide suitable warnings of ARPA malfunction to enable the observer to monitor the proper operation of the system. Additionally test programmes should be available so that the overall performance of ARPA can be assessed periodically against a known solution.

3.11 Equipment used with ARPA

3.11.1 Log and speed indicators providing inputs to ARPA equipment should be capable of providing the ship's speed through the water.

ANNEX 1 TO APPENDIX A—DEFINITIONS OF TERMS TO BE USED ONLY IN CONNEXION WITH ARPA PERFORMANCE STANDARDS

Relative course—The direction of motion of a target related to own ship as deduced from a number of measurements of its range and bearing on the radar. Expressed as an angular distance from North.

Relative speed—The speed of a target related to own ship, as deduced from a number of measurements of its range and bearing on the radar.

True course—The apparent heading of a target obtained by the vectorial combination of the target's relative motion and ship's own motion¹. Expressed as an angular distance from North.

True speed—The speed of a target obtained by the vectorial combination of its relative motion and own ship's motion¹.

Bearing—The direction of one terrestrial point from another. Expressed as an angular distance from North.

Relative motion display—The position of own ship on such a display remains fixed.

True motion display—The position of own ship on such display moves in accordance with its own motion.

Asimuth stabilization—Own ship's compass information is fed to the display so that echoes of targets on the display will not be caused to smear by changes of own ship's heading.

/North-up—The line connecting the center with the top of this display is North.

¹ For the purpose of these definitions there is no need to distinguish between sea or ground stabilization.

/Head-up—The line connecting the center with the top of the display is own ship heading.

/Course-up—An intended course can be set to the line connecting the center with the top of the display.

Heading—The direction in which the bow of a vessel is pointing. Expressed as an angular distance from North.

Target's predicted motion—The indication on the display of a liner extrapolation into the future of a target's motion, based on measurements of the target's range and bearing on the radar in the recent past.

Target's motion trend—An early indication of the target's predicted motion.

Radar Plotting—The whole process of target detection, tracking, calculation of parameters and display of information.

Detection—The recognition of the presence of a target.

Acquisition—The selection of those targets requiring a tracking procedure and the initiation of their tracking.

Tracking—The process of observing the sequential changes in the position of a target, to establish its motion.

Display—The plan position presentation of ARPA data with radar data.

Manual—An activity which a radar observer performs, possibly with assistance from a machine.

Automatic—An activity which is performed wholly by a machine.

ANNEX 2 APPENDIX A—OPERATIONAL SCENARIOS

For each of the following scenarios predictions are made at the target position defined after previously tracking for the appropriate time of one or three minutes:

Scenario 1

Own ship course—000°
Own ship speed—10 kt
Target range—8 n.m.
Bearing of target—000°
Relative course of target—180°
Relative speed of target—20 kt

Scenario 2

Own ship course—000°
Own ship speed—10 kt
Target range—1 n.m.
Bearing of target—000°
Relative course of target—090°
Relative speed of target—10 kt

Scenario 3

Own ship course—000°
Own ship speed—5 kt
Target range—8 n.m.
Bearing of target—045°
Relative course of target—225°
Relative speed of target—20 kt

Scenario 4

Own ship course—000°
Own ship speed—25 kt
Target range—8 n.m.
Bearing of target—045°
Relative course of target—225°
Relative speed of target—20 kt

ANNEX 3 TO APPENDIX A—SENSOR ERRORS

The accuracy figures quoted in paragraph 3.8 are based upon the following sensor errors and are appropriate to equipment complying with the Organization's performance standards for shipborne navigational equipment.²

Note: σ means "standard deviation"

Radar

Target Glint (Scintillation) (for 200 m length target)

Along length of target $\sigma = 30$ m. (normal distribution)

Across beam of target $\sigma = 1$ m. (normal distribution)

Roll-Pitch Bearing. The bearing error will peak in each of the four quadrants around own ship for targets on relative bearings of 045°, 135°, 225° and 315° and will be zero at relative bearings of 0°, 90°, 180° and 270°. This error has a sinusoidal variation at twice the roll frequency. For a 10° roll the mean error is 0.22° with a 0.22° peak sine wave superimposed.

Beam shape—assumed normal distribution giving bearing error with $\sigma = 0.05$.

Pulse shape—assumed normal distribution giving range error with $\sigma = 20$ metres.

Antenna backlash—assumed rectangular distribution giving bearing error ± 0.5 maximum.

Quantization

Bearing—rectangular distribution $\pm 0.01^\circ$ maximum.

Range—rectangular distribution ± 0.01 n.m. maximum.

² In calculations leading to the accuracy figures quoted in paragraph 3.8, these sensor error sources and magnitudes were used. They were arrived at during discussions with national government agencies and equipment manufacturers and are appropriate to equipments complying with the Organization's draft performance standards for radar equipment (preliminary) (NAV XXII/WP.14), gyro compasses (NAV XXI/9, Annex X) and logs (preliminary) (NAV XXII/WP.15).

Independent studies carried out by national government agencies and equipment manufacturers have resulted in similar accuracies, where comparisons were made.

Bearing encoder assumed to be running from a remote synchro giving bearing error with a normal distribution $\sigma = 0.03^\circ$

Gyro compass

Calibration error 0.5°.

Normal distribution about this with $\sigma = 0.12^\circ$.

Log

Calibration error 0.5 kt.

Normal distribution about this, $\sigma = 0.12$ kt.

APPENDIX B TO § 164.38—U.S. MARITIME ADMINISTRATION COLLISION AVOIDANCE SYSTEM SPECIFICATION

A collision system designed as a supplement to both surface search navigational radars via interswitching shall be installed. The system shall provide unattended monitoring of all radar echoes and automatic audio and visual alarm signals that will alert the watch officer of a possible threat. The display shall be contained within a console capable of being installed adjacent to the radar displays in the wheelhouse and may form a part of the bridge console.

Provision for signal input from the ship's radars, gyro compass, and speed log, without modification to these equipments shall be made. The collision avoidance system, whether operating normally or having failed, must not introduce any spurious signals or otherwise degrade the performance of the radars, the gyro compass or the speed log.

Computer generated display data for each acquired target shall be in the form of a line or vector indicating true or relative target course, speed and both present and extrapolated future positions. Data shall be automatically displayed on a cathode ray tube or other suitable display contrivance sufficiently bright and unobstructed to permit viewing by more than one person at a time.

In addition to displaying the collision potential of the most threatening fixed and moving targets, the system shall be capable of simultaneously showing land masses.

The system display shall include a heading indication and bearing ring. The system shall also have the capability of allowing the operator to select "head-up" and to cancel the vector or line presentation of any of the targets. The presentation shall be non-smearing when changing modes or display scales in order to permit rapid evaluation of the displayed data.

Target acquisition, for display data purposes, may be manual, automatic or both, as specified by Owner.

For any manual acquisition system the alarms shall be initiated by a preset minimum range; and likewise for any automatic

acquisition system the alarms shall be initiated by a preset minimum acceptable passing distance (CPA—Closest Point of Approach) and a preset advance warning time (TCPA—Time to Closest Point of Approach). Means shall be provided to silence the audio alarm for a given threat but the alarm shall resound upon a subsequent threat. The visual alarm shall continue to operate until all threats have been eliminated. If the collision avoidance system fails to perform as indicated above, after the system is set for unattended monitoring, the system shall produce both audio and visual warning alarms.

The system shall be capable of simulating a trial maneuver.

In addition to the target display, an alpha-numeric readout shall be provided which can present range, bearing, course, speed, CPA and TCPA for any selected target, either on the target display or by other display means.

The collision avoidance system shall be energized from the interior communications panel board in the wheelhouse.

The collision avoidance function may be incorporated in an integrated conning system, provided that failure of any other integrated system component will not degrade the collision avoidance function.

(CGD 79-148, 45 FR 54039, Aug. 14, 1980; 45 FR 71800, Oct. 30, 1980, as amended by CGD 83-004, 49 FR 43467, Oct. 29, 1984)

§ 164.39 Steering gear: Tankers.

(a) This section applies to each tanker 10,000 gross tons or more, except a public vessel, that:

(1) Is documented under the laws of the United States (U.S. vessel); or

(2) Is a foreign vessel that:

(i) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(ii) Otherwise enters or operates in the navigable waters of the United States, except vessels described in § 164.02.

(b) Definitions. (1) [Reserved]

(2) "New tanker" means a tanker:

(i) For which the building contract is placed after June 1, 1979; or

(ii) In the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction after January 1, 1980; or

(iii) The delivery of which is after June 1, 1982; or

(iv) Which has undergone a major conversion, which is contracted for after June 1, 1979, or construction work of which is begun after January

1, 1980, or completed after June 1, 1982.

(3) "Major conversion" means, for the purpose of this paragraph, a conversion of an existing tanker which substantially alters the dimensions or carrying capacity of the vessel, or changes the type of vessel, or substantially prolongs its life, or which otherwise so alters the vessel that it is essentially a new tanker. A major conversion does not include, however, any alteration or modification made to meet the requirements of this section.

(4) "Public vessel", "off", "hazardous materials", "foreign vessel", and "existing", as used in this section, have the same meanings provided for these terms in Section 5 of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391(a)).

(5) "Main steering gear" means the steering gear power units (if any) and their ancillary equipment, and the machinery that can apply enough torque to the rudder stock, tiller, or quadrant to effect movement of the rudder and steer the vessel under normal operating conditions.

(6) "Steering gear power unit" means:

(i) In the case of electric steering gear, an electric motor and its associated electrical equipment such as the motor controller and disconnect switch;

(ii) In the case of electro-hydraulic steering gear, an electric motor and its associated electrical equipment and connected pump; and

(iii) In the case of other hydraulic steering gear, a driving engine and connected pump.

(7) "Remote steering gear control system" means a system by which orders for rudder movements are transmitted from the navigating bridge to the steering gear power unit controls.

(8) "Maximum service speed" means the greatest speed that a vessel is designed to maintain at its deepest seagoing draft.

(c) Each tanker must have two remote steering gear control systems, except that separate steering wheels or steering levers are not required.

(d) Each remote steering gear control system required by paragraph (c) of this section must:

(1) Be arranged so that if the system in operation fails, the other system can be brought into immediate operation from a position on the navigating bridge;

(2) If electric, be supplied with power by a circuit that is:

(i) Used for no other purpose; and
(ii) Is connected in the steering gear compartment to the circuit that supplies power to the steering gear power unit controlled by the steering gear control system; and

(3) Have an audible and visual alarm that activates on the navigating bridge upon loss of power to the system.

(e) The visual alarm required by paragraph (d) of this section must be placed in a location on the navigating bridge where it can be readily seen.

(f) Each tanker must have:

(1) A means in the steering gear compartment for controlling the main steering gear;

(2) A means in the steering gear compartment to disconnect each remote steering gear control system from its power supply;

(3) A means to communicate between the navigating bridge and the steering gear compartment;

(4) A rudder angle indicator system that is:

(i) Located on the navigating bridge, and

(ii) Independent of each remote steering gear control system; and

(5) A means for indicating in the steering gear compartment the angular position of the rudder.

(g) Each new foreign tanker must have a main steering gear that:

(1) Has two or more identical steering gear power units;

(2) To the extent practicable, is arranged so that a failure in its piping or a steering gear power unit will not impair operation of the remaining part of the steering gear; and

(3) Can, while the vessel is operating at maximum service speed in its deepest seagoing draft with one or more power units:

(i) Put the rudder over from 35 degrees on one side of the vessel to 35 degrees on the other side; and

(ii) Put the rudder over from 35 degrees on either side of the vessel to 30 degrees on the other side in not more than 28 seconds.

(h) Each new U.S. tanker must have a main steering gear that:

(1) Meets the requirements for a main steering gear in paragraphs (g)(1) and (g)(2) of this section; and

(2) Can, while the vessel is operating at maximum service speed in its deepest seagoing draft with only one power unit, move the rudder in the manner described in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

(i) Mechanical couplings, including mechanical connections with a remote steering gear control system, on a new tanker must be of sound construction and designed for reliable performance.

(j) Each steering gear power unit on a new tanker must:

(1) Be designed so that:

(i) When operating at the time of power failure, it will start automatically after power is restored unless it is manually shut off during the power failure; and

(ii) It can be brought into operation from a position on the navigating bridge;

(2) Have an alarm that activates on the navigating bridge upon loss of power to the power unit.

(k) The power supply of at least one steering gear power unit on a new tanker, and one remote steering gear control system, must be the vessel's main source of electrical power.

(l) Each new tanker must have an alternative power supply that can automatically supply power to a steering gear power unit, its associated remote steering gear control system, and the rudder angle indicator system within 45 seconds after loss of the vessel's main source of electrical power.

(m) The alternative power supply required by paragraph (l) of this section must be:

(1) The emergency source of electrical power on the vessel; or

(2) An independent source of power that:

(i) Is located in the steering gear compartment;

(ii) Is not used for any purpose other than as an alternative power supply; and

(iii) Has sufficient capacity for at least one half hour of continuous operation.

(n) A steering gear power unit on a new tanker, when supplied by the alternative power supply, must be capable of putting the rudder over from 15 degrees on one side of the vessel to 15 degrees on the other side within 60 seconds when the vessel is operating in its deepest seagoing draft at $\frac{1}{2}$ maximum service speed or 7 knots, whichever is greater.

(Sec. 5, Pub. L. 95-474 (46 U.S.C. 391(a); 49 CFR 1.46)

(CGD 77-063, 44 FR 66530, Nov. 19, 1979, as amended by CGD 83-004, 49 FR 43467, Oct. 29, 1984)

§ 164.40 Devices to indicate speed and distance.

(a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under § 164.38 must be fitted with a device to indicate speed and distance of the vessel either through the water, or over the ground. Vessels constructed prior to September 1, 1984, must have this equipment according to the following schedule:

(1) Each tank vessel constructed before September 1, 1984, operating on the navigable waters of the United States—

(i) If of 40,000 gross tons or more, by January 1, 1985;

(ii) If of 10,000 gross tons or more but less than 40,000 gross tons, by January 1, 1986.

(2) Each self-propelled vessel constructed before September 1, 1984, that is not a tank vessel, operating on the navigable waters of the United States—

(i) If of 40,000 gross tons or more, by September 1, 1986;

(ii) If of 20,000 gross tons or more, but less than 40,000 gross tons, by September 1, 1987;

(iii) If of 15,000 gross tons or more, but less than 20,000 gross tons, by September 1, 1988.

(b) The device must meet the following specifications:

(1) The display must be easily readable on the bridge by day or night.

(2) Errors in the indicated speed, when the vessel is operating free from shallow water effect, and from the ef-

fects of wind, current, and tide, should not exceed 5 percent of the speed of the vessel, or 0.5 knot, whichever is greater.

(3) Errors in the indicated distance run, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the distance run of the vessel in one hour or 0.5 nautical mile in each hour, whichever is greater.

(CGD 83-004, 49 FR 43467, Oct. 29, 1984)

§ 164.41 Electronic position fixing devices.

(a) Each vessel calling at a port in the continental United States, including Alaska south of Cape Prince of Wales, except each vessel owned or bareboat chartered and operated by the United States, or by a state or its political subdivision, or by a foreign nation, and not engaged in commerce, must have one of the following:

(1) A Type I or II LORAN C receiver as defined in Section 1.2(e), meeting Part 2 (Minimum Performance Standards) of the Radio Technical Commission for Marine Services (RTCM) Paper 12-78/DO-100 dated December 20, 1977, entitled "Minimum Performance Standards (MPS) Marine Loran-C Receiving Equipment". Each receiver installed on or after June 1, 1982, must have a label with the information required under paragraph (b) of this section. If the receiver is installed before June 1, 1982, the receiver must have the label with the information required under paragraph (b) by June 1, 1985.

(2) A satellite navigation receiver with:

(i) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(ii) Position updates derived from satellite information during each usable satellite pass.

(3) A system that is found by the Commandant to meet the intent of the statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. "Federal Radionavigation Plan" (Report No. DOD-NO 4650.4-P, I or No. DOT-TSC-RSPA-80-16, I). A person desiring a finding by the Com-

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mandant under this subparagraph must submit a written application describing the device to the Office of Navigation Safety and Waterway Services, 2100 Second Street SW., Washington, DC 20593-0001. After reviewing the application, the Commandant may request additional information to establish whether or not the device meets the intent of the Federal Radionavigation Plan.

NOTE: The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

Vol 1, ADA 116468

Vol 2, ADA 116469

Vol 3, ADA 116470

Vol 4, ADA 116471

(b) Each label required under paragraph (a)(1) of this section must show the following:

(1) The name and address of the manufacturer.

(2) The following statement by the manufacturer:

This receiver was designed and manufactured to meet Part 2 (Minimum Performance Standards) of the RTCM MPS for Marine Loran-C Receiving Equipment.

(Sec. 12, 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

[CGD 81-081, 47 FR 58244, Dec. 30, 1982, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

§ 164.42 Rate of turn indicator.

Each vessel of 100,000 gross tons or more constructed on or after September 1, 1984 shall be fitted with a rate of turn indicator.

[CGD 83-004, 49 FR 43468, Oct. 29, 1984]

§ 164.51 Deviations from rules: Emergency.

Except for the requirements of § 164.53(b), in an emergency, any person may deviate from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

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§ 164.53 Deviations from rules and reporting: Non-operating equipment.

(a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may continue to the next port of call, subject to the directions of the District Commander or the Captain of the Port, as provided by Part 160 of this chapter.

(b) If the vessel's radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.

(Sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4))

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 164.53, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 164.55 Deviations from rules: Continuing operation or period of time.

The Captain of the Port, upon written application, may authorize a deviation from any rule in this part if he determines that the deviation does not impair the safe navigation of the vessel under anticipated conditions and will not result in a violation of the rules for preventing collisions at sea. The authorization may be issued for vessels operating in the waters under the jurisdiction of the Captain of the Port for any continuing operation or period of time the Captain of the Port specifies.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

§ 164.61 Marine casualty reporting and record retention.

When a vessel is involved in a marine casualty as defined in 46 CFR 4.03-1, the master or person in charge of the vessel shall:

(a) Ensure compliance with 46 CFR Subpart 4.05, "Notice of Marine Casualty and Voyage Records;" and

(b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for:

(1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(2) 30 days after the return of the vessel to a United States port if the vessel departs the navigable waters of the United States within 30 days after the marine casualty.

[CGD 74-77, 42 FR 5956, Jan. 31, 1977]

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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- 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.
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- 165.729 Jacksonville Harbor, Florida—security zone.
- 165.730 King's Bay, GA—regulated navigation area.
- 165.731 Security Zone—Naval Submarine Base Kings Bay, GA.
- 165.735 Brunswick, Georgia, Turtle River, Vicinity of Sydney Lanier Bridge.

EIGHTH COAST GUARD DISTRICT

- 165.802 Lower Mississippi River, vicinity of Old River Control Structure—safety zone.
- 165.803 Mississippi River—regulated navigation area.
- 165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels—safety zone.
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- 165.807 Calcasieu River, Louisiana—regulated navigation area.
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NINTH COAST GUARD DISTRICT

- 165.901 Great Lakes—regulated navigation area.
- 165.902 Niagara River at Niagara Falls, New York—safety zone.
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- 165.1101 Security Zone: Pacific Ocean off Mission Beach, San Diego, California.
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- 165.1109 San Pedro Bay, California.
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- 165.1113 San Pedro Bay, California—safety zone.
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THIRTEENTH COAST GUARD DISTRICT

- 165.1301 Puget Sound, Washington—regulated navigation area.
- 165.1302 Bangor Naval Submarine Base, Bangor, WA.

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- 165.1401 Apra Harbor, Guam—safety zone.
- 165.1402 Apra Outer Harbor, Guam—regulated navigation area.
- 165.1403 Security Zone: Tinian, Commonwealth Northern Marianas Islands.
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- 165.1701 Valdez, Alaska—safety zone.
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- 165.1703 Ammunition Island, Port Valdez, Alaska.
- 165.1705 Ketchikan Harbor, Ketchikan, Alaska—safety zone.

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AUTHORITY: 33 U.S.C. 1231; 50 U.S.C. 1603, 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 161.49 CFR 1.46.

SOURCE: CGD 78-034, 47 FR 29660, July 1, 1982, unless otherwise noted.

Subpart A—General

§ 165.1 Purpose of part.

The purpose of this part is to:

- (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;
- (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;
- (c) Prescribe specific requirements for established areas; and
- (d) List specific areas and their boundaries.

§ 165.5 Establishment procedures.

(a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(b) Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as described in Part 3 of this chapter, and include the following:

- (1) The name of the person submitting the request;
- (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;
- (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;
- (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;
- (5) The nature of the restrictions or conditions desired; and
- (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Administration.)

ment and Budget under control number 2115-0076, 2115-0219, and 2115-0087).

(c) **Safety Zones and Security Zones.** If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.7 Notification.

(a) The establishment of these limited access areas and regulated navigation areas is considered rulemaking. The procedures used to notify persons of the establishment of these areas vary depending upon the circumstances and emergency conditions. Notification may be made by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the *FEDERAL REGISTER*.

(b) Notification normally contains the physical boundaries of the area, the reasons for the rule, its estimated duration, and the method of obtaining authorization to enter the area, if applicable, and special navigational rules, if applicable.

(c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

§ 165.8 Geographic coordinates.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-062, 52 FR 33811, Sept. 8, 1987]

Subpart B—Regulated Navigation Areas

§ 165.10 Regulated navigation areas.

A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established under this part.

§ 165.11 Vessel operating requirements (regulations).

Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations:

(a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(c) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

[CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.13 General regulations.

(a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this part.

Subpart C—Safety Zones

§ 165.20 Safety zones.

A Safety Zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

§ 165.23 General regulations.

Unless otherwise provided in this part:

§ 165.30

(a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized by the COTP or the District Commander;

(c) No person may remain in a safety zone or allow any vehicle, vessel, or object to remain in a safety zone unless authorized by the COTP or the District Commander; and

(d) Each person in a safety zone who has notice of a lawful order or direction shall obey the order or direction of the COTP or District Commander issued to carry out the purposes of this subpart.

Subpart D—Security Zones

§ 165.30 Security zones.

(a) A security zone is an area of land, water, or land and water which is so designated by the Captain of the Port or District Commander for such time as is necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

(b) The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature:

- (1) Vessels,
- (2) Harbors,
- (3) Ports, and
- (4) Waterfront facilities:

in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

§ 165.33 General regulations.

Unless otherwise provided in the special regulations in Subpart F of this part:

(a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

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(c) The Captain of the Port may take possession and control of any vessel in the security zone;

(d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(e) No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the Captain of the Port; and

(f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

Subpart E—Restricted Waterfront Areas

§ 165.40 Restricted waterfront areas.

The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in § 125.09 of this chapter when certain shipping activities are conducted that are outlined in § 125.15 of this chapter.

Subpart F—Specific Regulated Navigation Areas and Limited Access Areas

FIRST COAST GUARD DISTRICT

§ 165.101 Kittery, Maine—regulated navigation area.

(a) The following is a regulated navigation area—Waters within the boundaries of a line beginning at 43°04'50"N, 70°44'52"W; then to 43°04'52"N, 70°44'53"W; then to 43°04'59"N, 70°44'46"W; then to 43°05'05"N, 70°44'32"W; then to 43°05'03"N, 70°44'30"W; then to the beginning point.

(b) Regulations—No vessel may operate in this area at a speed in excess of five miles per hour.

§ 165.102 Security Zone; Walkers Point, Kennebunkport ME.

(a) Location. The following area is a security zone: From point of land located on Cape Arundel at latitude 43°20.4' North, longitude 070°28.0' West

thence to a point approximately 500 yards southwest of Walkers Point located at latitude 43° 20.2' North, longitude 070° 27.9' West; thence to a point located approximately 500 yards south of Walkers Point at latitude 43° 20.1' North, longitude 070° 27.8' West; thence to a point located approximately southeast of Walkers Point at latitude 43° 20.4' North, longitude 070° 27.2' West; thence to an unnamed point of land located at 43° 20.9' North, longitude 070° 27.1' West; thence along the shoreline of Walkers Point to the beginning point. The aforementioned offshore positions are approximated by white buoys marked in orange indicating an exclusionary area.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine. Section 165.33 also contained other general requirements.

(2) No person may swim upon or below the surface of the water within the boundaries of this security zone.

[CGD1 89-008, 54 FR 13883, Apr. 6, 1989]

§ 165.103 Safety Zone: Portsmouth Harbor, Portsmouth, New Hampshire.

(a) The following areas are established as safety zones during the specified conditions:

(1) For all inbound tank vessels carrying Liquefied Petroleum Gas (LPG), the waters bounded by the limits of the Piscataqua River Channel and extending 1000 yards ahead and 500 yards astern of an LPG tanker while the vessel transits Bigelow Bight, Portsmouth Harbor and the Piscataqua River to the LPG receiving facility at Newington, New Hampshire. This safety zone remains in effect until the LPG carrier is safely moored at the LPG receiving facility on the Piscataqua River.

(2) For all outbound tank vessels carrying LPG, the waters bounded by the limits of the Piscataqua River Channel and extending 1000 yards ahead and 500 yards astern of an LPG tanker while the vessel departs the LPG facility and transits the Piscataqua River, Portsmouth Harbor and Bigelow

Bight. This safety zone remains in effect until the LPG carrier passes Gunboat Shoal Lighted Bell Buoy "1" (LLNR 185) located in Bigelow Bight.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community and local agencies of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of LPG vessels via the telephone and/or Marine Safety Information Radio Broadcasts.

[CGD 168-106, 54 FR 20572, May 12, 1989]

§ 165.110 Boston Harbor, Boston, Massachusetts.

(a) The following areas are established as safety zones during the specified conditions:

(1) The waters bounded by the limits of the Boston Main Ship Channel and extending two miles ahead and one mile astern of a loaded Liquefied Natural Gas Tank vessel while the vessel transits the Boston North Channel and Boston Harbor. The safety zone remains in effect until the LNG vessel is alongside the DISTRIGAS waterfront facility in the Mystic River. Lat. 42°23.3' N., Long. 71°03.7' W.

(2) The waters and land area within 150' of a Liquefied Natural Gas Tank vessel when the vessel is alongside the DISTRIGAS waterfront facility, Everett, MA. Lat. 42°23.3' N., Long. 71°03.7' W. This Safety Zone remains in effect while the LNG vessel remains in a loaded condition or is transferring liquefied natural gas.

(b) The general regulations governing safety zones as contained in 33 CFR 165.20 apply.

[CGD1-83-4R, 49 FR 19819, May 10, 1984]

§ 165.120 Safety zone: Chelsea River, Boston Inner Harbor, Boston, MA.

(a) *Location.* The following area is a safety zone: The waters of the Chelsea River, Boston Inner Harbor, for 100 yards upstream and downstream of the center of the Chelsea Street Draw span (in the approximate position of Latitude 42-33-10 North, Longitude 71-01-23 West).

(b) *Regulation.* The following standards are the minimum requirements for transit of the Safety Zone. Additional precautions may be taken by the pilot and/or person in charge (Master or Operator).

(1) All tankships greater than 1,000 Gross Tons shall be under the direction and control of the Licensed Federal Pilot. This does not relieve persons in charge (Masters or Operators) from their ultimate responsibility for the safe navigation of vessels.

(2) All vessel(s) speed shall be kept to a minimum considering all factors and the need for optimum vessel control.

(3) Restrictions on size and draft of vessels:

(i) No vessel greater than 661 feet in length (using length overall) or greater than 90.5 feet in beam (using extreme breadth) shall transit the Safety Zone.

(ii) No vessel greater than 630.5 feet in length or 85.5 feet or greater in beam shall transit the Safety Zone during the period between sunset and sunrise.

(iii) No tankship greater than 550.5 feet in length shall transit the Safety Zone, either inbound or outbound, with a draft less than 18.0 feet forward and 24.0 feet aft.

(4) Restrictions when the Chelsea River channel is obstructed by vessel(s) moored at the Northeast Petroleum Terminal located downstream of the Chelsea Street Bridge on the Chelsea, MA side of the Chelsea River—hereafter referred to as the Jenny Dock (approximate position 42-23-09 North, 71-01-31 West)—or the Mobile Oil Terminal located on the East Boston Side of the Chelsea River downstream of the Chelsea Street Bridge (approximate position 42-23-05 North, 71-01-31 West):

(i) When there is a vessel moored at each terminal, no vessel greater than 300.5 feet in length or greater than 60.5 feet in beam, shall transit the safety zone.

(ii) When a vessel with a beam greater than 60.5 feet is moored at either terminal, no vessel greater than 630.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(iii) When a vessel with a beam greater than 85.5 feet is moored at either terminal, no vessel greater than 550.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(5) Requirements for tug assistance:

(i) All tankships greater than 630.5 feet in length or greater than 85.5 feet in beam shall be assisted by at least four tugs of adequate horsepower.

(ii) All tankships from 450 feet in length up to and including 630.5 feet in length and less than 85.5 feet in beam shall be assisted by at least three tugs of adequate horsepower.

(iii) All tug/barge combinations with a tonnage of over 10,000 Gross Tons (for the barge(s), in all conditions of draft, shall be assisted by at least one tug of adequate horsepower.

(6) U.S. Certificated integrated tug/barge (ITB) combinations shall meet the requirements of a tankship of similar length and beam except that one less assist tug would be required.

(7) Variances from the above standard must be approved in advance by the Captain of the Port of Boston, MA.

[CCGDI-85-4R, 51 FR 10835, Mar. 31, 1986; 51 FR 23415, June 27, 1986]

§ 165.121 Safety Zone: Rhode Island Sound, Narragansett Bay, Providence River.

(a) *Location.* The following areas are established as safety zones:

(1) For Liquefied Petroleum Gas (LPG) vessels while at anchor in the waters of Rhode Island Sound; in position Latitude 41-25N., Longitude 71-23W., a Safety Zone with a radius of one-half mile around the LPG vessel.

(2) For Liquefied Petroleum Gas (LPG) vessels while transiting Narragansett Bay and the Providence River, a moving Safety Zone from a distance of two (2) miles ahead to one (1) mile astern to the limits of the navigable channel around the LPG vessel.

(3) For Liquefied Petroleum Gas (LPG) vessels while moored at the LPG facility, Port of Providence, a Safety Zone within 50 feet around the vessel. No vessel shall moor within 400 feet from the LPG vessel. All vessels transiting the area are to proceed

with caution to minimize the effects of wake around the LPG vessel.

(4) For Liquefied Petroleum Gas (LPG) vessels while moored with manifolds connected at the LPG Facility, Port of Providence; a Safety Zone within a 100 foot radius around the shoreside manifold while connected. This is in addition to the requirements for LPG vessels while moored at the LPG Facility, Port of Providence.

(b) The Captain of the Port Providence will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of LPG vessels via Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply.

[CGD1-88-010, 53 FR 31858, Aug. 22, 1988]

§ 165.136 Sandy Hook Bay, New Jersey—security zone.

(a) *Naval Ammunition Depot Piers.* The waters within the following boundaries are a security zone—A line beginning on the shore at 40°25'57"N, 74°04'32"W; then to 40°27'52.5"N, 74°03'14.5"W; then to 40°27'28.3"N, 74°02'12.4"W; then to 40°26'29.2"N, 74°02'53"W; then to 40°26'31.1"N, 74°02'57.2"W; then to 40°25'27.3"N, 74°03'41"W; then along the shoreline to the beginning point.

(b) *Terminal Channel.* The waters within the following boundaries are a security zone—A line beginning at 40°27'41.2"N, 74°02'46"W; then to 40°28'27"N, 74°02'17.2"W; then to 40°28'21.1"N, 74°02'00"W; then to 40°28'07.8"N, 74°02'22"W; then to 40°27'39.8"N, 74°02'41.4"W; then to the beginning.

(c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel) instead of the rule in § 165.33(a):

(1) No vessel shall anchor, stop, remain or drift without power at any time in the security zone.

(2) No vessel shall enter, cross, or otherwise navigate in the security zone when a public vessel, or any other vessel, that cannot safely navigate outside the Terminal Channel, is

approaching or leaving the Naval Ammunition Depot Piers at Leonardo, New Jersey.

(3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.

(4) No person may swim in the security zone.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.140 New London Harbor, Connecticut—security zone.

(a) *Security zones:*

(1) *Security zone A.* The waters of the Thames River off State Pier enclosed by a line beginning at the midpoint of the southeast face of State Pier; then to 41°21'24" N, 72°05'21.2" W; then to 41°21'26.2" N, 72°05'19.3" W; then to 41°21'34" N, 72°05'18.1" W; then extending northwest through buoy C15 to the shoreline at 41°21'43.5" N, 72°05'23" W; then along the shoreline and pier to the point of beginning.

(2) *Security zone B.* The waters of the Thames River west of the Electric Boat Division Shipyard enclosed by a line beginning at a point on the shoreline at 41°20'22.1" N, 72°04'52.8" W; then west to 41°20'28.7" N, 72°05'03.5" W; then to 41°20'33.3" N, 72°05'6.6" W; then to 41°21'03" N, 72°05'06.7" W; then due east to a point on the shoreline at 41°21'03" N, 72°05'00" W; then along the shoreline to the point of beginning.

(3) *Security zone C.* The waters of the Thames River, west of the Naval Submarine Base, New London, CT, enclosed by a line beginning at a point on the shoreline at 41°23'15.8" N, 72°05'17.9" W; then to 41°23'15.8" N, 72°05'22" W; then to 41°23'25.9" N, 72°05'29.9" W; then to 41°23'33.8" N, 72°05'34.7" W; then to 41°23'37.0" N, 72°05'38.0" W; then to 41°23'47.2" N, 72°05'40.3" W; then to 41°23'53.8" N, 72°05'42.3" W; then to 41°23'59.8" N, 72°05'43.7" W; then to 41°24'12.4" N, 72°05'43.0" W; then to a point on the shoreline at 41°24'14.4" N, 72°05'38" W; then along the shoreline to the point of beginning.

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(4) *Security zone D.* The waters of the Thames River east of the Naval Underwater Systems Center, New London, enclosed by a line beginning at 41°20'36.0"N, 72°05'34.1" W; then to 41°20'36.0"N, 72°05'20"W; then to 41°20'41"N, 72°05'20"W; then to 41°20'43.7"N, 72°05'25.9"W; then to 41°20'41.6"N, 72°05'35.0"W; then along the shoreline to the points of beginning.

(b) *Special regulation.* Section 165.33 does not apply to public vessels when operating in Security Zones A or B, or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in Security Zone B.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by COTP 83-01, 48 FR 33264, July 21, 1983; CGD3-63-29, 48 FR 51622, Nov. 10, 1983; CGD3-64-26, 49 FR 40405, Oct. 16, 1984; CGD3-86-56, 52 FR 17296, May 7, 1987. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987; CDG3 86-56, 52 FR 44107, Nov. 18, 1987]

§ 165.150 New Haven Harbor, Quinnipiac River, Mill River.

(a) *The following is a regulated navigation area:* The waters surrounding the Tomlinson Bridge located within a line extending from a point A at the southeast corner of the Wyatt terminal dock at 41°17'50"N, 72°54'36"W thence along a line 126°T to point B at the southwest corner of the Gulf facility at 41°17'42"N, 72°54'21"W thence north along the shoreline to point C at the northwest corner of the Texaco terminal dock 41°17'57"N, 72°54'06"W thence along a line 303°T to point D at the west bank of the mouth of the Mill River 41°18'05"N, 72°54'23"W thence south along the shoreline to point A.

(b) *Regulations.* (1) No person may operate a vessel or tow a barge in this Regulated Navigation Area in violation of these regulations.

(2) *Applicability.* The regulations apply to barges with a freeboard greater than ten feet and to any vessel towing or pushing these barges on outbound transits of the Tomlinson Bridge.

(3) *Regulated barges may not transit the bridge—*

(i) During the period from one hour to five hours after high water slack.

(ii) When the wind speed at the bridge is greater than twenty knots, and

(iii) With the barge being towed on a hawser, stern first.

(4) *Regulated barges with a beam greater than fifty feet must be pushed ahead through the bridge.*

(5) *If the tug operator does not have a clear view over the barge when pushing ahead, the operator shall post a lookout on the barge with a means of communication with the operator.*

(6) *Regulated barges departing the Mill River may transit the bridge only between sunrise and sunset. Barges must be pushed ahead of the tug, bow first, with a second tug standing by to assist at the bow.*

(7) *Nothing in this section is intended to relieve any person from complying with:*

(i) *Applicable Navigation and Pilot Rules for Inland Waters;*

(ii) *Any other laws or regulations;*

(iii) *Any order or direction of the Captain of the Port.*

(8) *The Captain of the Port, New Haven, may issue an authorization to deviate from any rule in this section if the COTP finds that an alternate operation can be done safely.*

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 80-069, 47 FR 53368, Nov. 26, 1982. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.155 Northville Industries Offshore Platform, Riverhead, Long Island, New York— safety zone.

(a) *The following area is established as a safety zone during the specified condition:*

(1) *The waters within a 500 yard radius of the Northville Industries Offshore Platform, Long Island, New York, 1 mile North of the Riverhead shoreline at 41°00'N, 072°38' W, while a Liquefied Petroleum Gas (LPG) vessel is moored at the Offshore Platform. The safety zone remains in effect until the LPG vessel departs the Offshore Platform.*

(b) *The general regulations governing safety zone contained in 33 CFR 165.23 apply.*

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing notice of scheduled moorings at the Northville Industries Offshore Platform of LPG vessels via Marine Safety Information Radio Broadcast.

[CGD 85-86, 51 FR 37181, Oct. 20, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§165.160 New York, New Jersey, Sandy Hook Channel, Raritan Bay, Arthur Kill—safety zone.

(a) The following areas are established as safety zones during the specified conditions:

(1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 100 yard radius of the LPG carrier while the vessel transits the Sandy Hook Channel, Raritan Bay East and West Reach, Ward Point Bend East and West Reach, and the Arthur Kill to the LPG receiving facility. The Safety Zone remains in effect until the LPG vessel is moored at the LPG receiving facility in the Arthur Kill.

(2) For outgoing tank vessels loaded with LPG, the waters within a 100 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Arthur Kill, Ward Point Bend West and East Reach, Raritan Bay West and East Reach, and Sandy Hook Channel. The safety zone remains in effect until the LPG vessel passes the Scotland Lighted Horn Buoy "S" (LLNR 1619) at the entrance to the Sandy Hook Channel.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Radio Broadcast.

[CGD 84-08, 49 FR 25447, June 21, 1984. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

SECOND COAST GUARD DISTRICT

§ 165.202 Ohio River at Louisville, KY; regulated navigation area.

(a) The following is a regulated navigation area: The waters of the Ohio River from the Clark Memorial (Highway) Bridge at Mile 603.5, downstream to McAlpine Dam at Mile 604.4.

(b) The general regulations governing regulated navigation area contained in 33 CFR part 165, subpart B apply.

(c) No pleasure or fishing craft shall be operated within the regulated navigation area at any time without prior permission of the Captain of the Port, Louisville, Kentucky, except in case of emergency and except for passage through McAlpine Lock.

[CGD 2-89-04, 55 FR 23203, June 7, 1990]

EFFECTIVE DATE NOTE: By CGD 2-89-04, 55 FR 23203, June 7, 1990, § 165.202 was redesignated from § 162.100 and revised, effective July 9, 1990.

FIFTH COAST GUARD DISTRICT

§ 165.501 Chesapeake Bay entrance and Hampton Roads, Va. and adjacent waters—regulated navigation area.

(a) *Regulated Navigation Area.* The waters enclosed by the shoreline and the following lines are a Regulated Navigation Area:

(1) A line drawn across the entrance to Chesapeake Bay between Wise Point and Cape Charles Light, and then continuing to Cape Henry Light.

(2) A line drawn across the Chesapeake Bay between Old Point Comfort Light and Cape Charles City Range "A" Rear Light.

(3) A line drawn across the James River along the eastern side of the U.S. Route 17 highway bridge, between Newport News and Isle of Wight County, Virginia.

(4) A line drawn across Chuckatuck Creek along the northern side of the north span of the U.S. Route 17 highway bridge, between Isle of Wight County and Suffolk, Virginia.

(5) A line drawn across the Nansemond River along the northern side of the Mills Godwin (U.S. Route 17) Bridge, Suffolk, Virginia.

(6) A line drawn across the mouth of Bennetts Creek, Suffolk, Virginia.

(7) A line drawn across the Western Branch of the Elizabeth River along the eastern side of the West Norfolk Bridge, Portsmouth, Virginia.

(8) A line drawn across the Southern Branch of the Elizabeth River along the northern side of the I-64 highway bridge, Chesapeake, Virginia.

(9) A line drawn across the Eastern Branch of the Elizabeth River along the western side of the west span of the Campestella Bridge, Norfolk, Virginia.

(10) A line drawn across the Lafayette River along the western side of the Hampton Boulevard Bridge, Norfolk, Virginia.

(11) A line drawn across Little Creek along the eastern side of the Ocean View Avenue (U.S. Route 60) Bridge, Norfolk, Virginia.

(12) A line drawn across Lynnhaven Inlet along the northern side of the Shore Drive (U.S. Route 60) Bridge, Virginia Beach, Virginia.

(b) *Definitions.* In this section:

(1) "CBBT" means the Chesapeake Bay Bridge Tunnel.

(2) "Thimble Shoal Channel" consists of the waters bounded by a line connecting Thimble Shoal Channel Lighted Bell Buoy 17S, thence to Lighted Gong Buoy 17, thence to Lighted Buoy 19, thence to Lighted Buoy 21, thence to Lighted Buoy 22, thence to Lighted Buoy 18, thence to Lighted Buoy 2, thence to the beginning.

(3) "Thimble Shoal North Auxiliary Channel" consists of the waters in a rectangular area 450 feet wide adjacent to the north side of Thimble Shoal Channel, the southern boundary of which extends from Thimble Shoal Channel Lighted Buoy 2 to Lighted Buoy 18.

(4) "Thimble Shoal South Auxiliary Channel" consists of the waters in a rectangular area 450 feet wide adjacent to the south side of Thimble Shoal Channel, the northern boundary of which extends from Thimble Shoal Channel Lighted Bell Buoy 17S, thence to Lighted Gong Buoy 17, thence to Lighted Buoy 19, thence to Lighted Buoy 21.

(c) *Applicability.* This section applies to all vessels operating within the Regulated Navigation Area, including naval and public vessels, except vessels that are engaged in the following operations:

(1) Law Enforcement.

(2) Servicing aids to navigation.

(3) Surveying, maintenance, or improvement of waters in the Regulated Navigation Area.

(d) *Regulations.*—(1) *Anchoring restrictions.*

(i) No vessel over 65 feet long may anchor or moor in this Regulated Navigation Area outside an anchorage designated in § 110.168 of this title unless:

(A) The vessel has the permission of the Captain of the Port.

(B) The vessel is carrying explosives for use on river or harbor works or on other work under a permit issued by the District Engineer, Corps of Engineers, and the vessel is anchored in or near the vicinity of the work site. The District Engineer shall prescribe the quantities of explosives allowed on the vessel and the conditions under which the vessel may store or handle explosives. The vessel may not anchor unless a copy of the permit and instructions relating to the carriage and handling of explosives from the Corps of Engineers to the vessel or contractor are provided to the Captain of the Port before the vessel anchors.

(ii) A vessel may anchor in a channel with the permission of the Captain of the Port, if the vessel is authorized by the District Engineer to engage in the recovery of sunken property, to lay or repair a legally established pipeline or cable, or to engage in dredging operations.

(iii) A vessel engaged in river and harbor improvement work under the supervision of the District Engineer may anchor in a channel, if the District Engineer notifies the Captain of the Port in advance of the start of the work.

(iv) Except as provided in paragraphs (d)(1)(ii) and (iii) of this section, a vessel may not anchor in a channel unless it is unable to proceed without endangering the safety of persons, property, or the environment.

(v) A vessel that is anchored in a channel because it is unable to proceed without endangering the safety of persons, property, or the environment, shall:

(A) Not anchor, if possible, within a cable or pipeline area.

(B) Not obstruct or endanger the passage of any vessel.

(C) Anchor near the edge of the channel, if possible.

(D) Not interfere with the free navigation of any channel.

(E) Not obstruct the approach to any pier.

(F) Not obstruct aids to navigation or interfere with range lights.

(G) Move to a designated anchorage or get underway as soon as possible or when directed by the Captain of the Port.

(vi) A vessel may not anchor within the confines of Little Creek Harbor, Desert Cove, or Little Creek Cove without the permission of the Captain of the Port. The Captain of the Port shall consult with the Commander, Naval Amphibious Base Little Creek, before granting permission to anchor within this area.

(2) *Secondary Towing Rig Requirements.* (i) A vessel over 100 gross tons may not be towed in this Regulated Navigation Area unless it is equipped with a secondary towing rig, in addition to its primary towing rig, that:

(A) Is of sufficient strength for towing the vessel.

(B) Has a connecting device that can receive a shackle pin of at least two inches in diameter.

(C) Is fitted with a recovery pickup line led outboard of the vessel's hull.

(ii) A tow consisting of two or more vessels, each of which is less than 100 gross tons, that has a total gross tonnage that is over 100 gross tons, shall be equipped with a secondary towing rig between each vessel in the tow, in addition to its primary towing rigs, while the tow is operating within this Regulated Navigation Area. The secondary towing rig must:

(A) Be of sufficient strength for towing the vessels.

(B) Have connecting devices that can receive a shackle pin of at least two inches in diameter.

(C) Be fitted with recovery pickup lines led outboard of the vessels' hulls.

(3) *Anchoring Detail Requirements.* A self-propelled vessel over 100 gross tons, which is equipped with an anchor or anchors (other than a tugboat equipped with bow fenderwork of a type of construction that prevents an anchor being rigged for quick release), that is underway within two nautical miles of the CBBT or the I-664 Bridge Tunnel shall station its personnel at locations on the vessel from which they can anchor the vessel without delay in an emergency.

(4) *Draft Limitations.* A vessel drawing less than 25 feet may not enter the Thimble Shoal Channel, unless the vessel is crossing the channel. Channel crossings shall be made as perpendicular to the channel axis as possible.

(5) *Traffic Directions.* (i) Except when crossing the channel, a vessel in the Thimble Shoal North Auxiliary Channel shall proceed in a westbound direction.

(ii) Except when crossing the channel, a vessel in the Thimble Shoal South Auxiliary Channel shall proceed in an eastbound direction.

(6) *Restrictions on Vessels With Impaired Maneuverability.*—(i) *Before entry.* A vessel over 100 gross tons, whose ability to maneuver is impaired by hazardous weather, defective steering equipment, defective main propulsion machinery, or other damage, may not enter the Regulated Navigation Area without the permission of the Captain of the Port, unless the vessel is attended by one or more tugboats with sufficient total power to ensure the vessel's safe passage through the Regulated Navigation Area.

(ii) *After entry.* The master of a vessel over 100 gross tons, which is underway in the Regulated Navigation Area, shall, as soon as possible, do the following, if the vessel's ability to maneuver becomes impaired for any reason:

(A) Report the impairment to the Captain of the Port.

(B) Unless the Captain of the Port waives this requirement, have one or more tugboats, with sufficient total power to ensure the vessel's safe passage through the Regulated Navigation Area, attend the vessel.

(7) *Requirements for Navigation Charts, Radars, and Pilots.* No vessel over 100 gross tons may enter the Regulated Navigation Area, unless it has on board:

(i) Corrected charts of the Regulated Navigation Area.

(ii) An operative radar during periods of reduced visibility; or

(iii) A pilot or other person on board with previous experience navigating vessels on the waters of the Regulated Navigation Area.

(8) *Emergency Procedures.* (i) Except as provided in paragraphs (d)(8) (ii) and (iii) of this section, in an emergency any vessel may deviate from the regulations in this section to the extent necessary to avoid endangering the safety of persons, property, or the environment.

(ii) A vessel over 100 gross tons with an emergency that is located within two nautical miles of the CBBT or I-664 Bridge Tunnel (other than a self-propelled vessel that is capable of getting underway in 30 minutes, has sufficient power to avoid any bridge, tunnel island, or vessel, and whose maneuverability is not impaired by a steering equipment or main propulsion defect):

(A) Shall notify the Captain of the Port of its location and the nature of the emergency, as soon as possible.

(B) May not anchor outside an anchorage designated in § 110.168 of this title, unless the vessel is unable to proceed to an anchorage without endangering the safety of persons, property, or the environment.

(C) Shall make arrangements for one or more vessels to attend the vessel, with sufficient power to keep the vessel in position.

(iii) If a vessel over 100 gross tons must anchor outside an anchorage because the vessel is unable to proceed without endangering the safety of persons, property, or the environment, the vessel shall:

(A) Not anchor, if possible, within a cable or pipeline area.

(B) Not obstruct or endanger the passage of any vessel.

(C) Not interfere with the free navigation of any channel.

(D) Not obstruct the approach to any pier.

(E) Not obstruct aids to navigation or interfere with range lights.

(F) Move to a designated anchorage or get underway as soon as possible or when directed by the Captain of the Port.

(9) *Vessel Speed Limits on Little Creek.* A vessel may not proceed at a speed over five knots between the Route 60 bridge and the mouth of Fishermans Cove (Northwest Branch of Little Creek).

(10) *Vessel Speed Limits on the Southern Branch of the Elizabeth River.* A vessel may not proceed at a speed over six knots between the junction of the Southern and Eastern Branches of the Elizabeth River and the Norfolk and Portsmouth Belt Line Railroad Bridge between Chesapeake and Portsmouth, Virginia.

(11) *Restrictions on Vessel Operations During Aircraft Carrier and Other Large Naval Vessel Transits of the Elizabeth River.* (i) Except for a vessel that is moored at a marina, wharf, or pier or that is anchored, no vessel may, without the permission of the Captain of the Port, come within or remain within 500 yards from a naval aircraft carrier or other large naval vessel, which is restricted in its ability to maneuver in the confined waters, while the aircraft carrier or large naval vessel is transiting the Elizabeth River between the Norfolk Naval Base, Norfolk, Virginia, and the Norfolk Naval Shipyard, Portsmouth, Virginia.

(ii) The permission required by paragraph (d)(11)(i) of this section may be obtained from a designated representative of the Captain of the Port, including the duty officer at the Coast Guard Marine Safety Office, Hampton Roads, or from the Coast Guard patrol commander.

(iii) The Captain of the Port issues a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements that are covered by paragraph (d)(11) of this section.

(iv) Notwithstanding paragraph (d)(11)(i) of this section, a vessel may not remain moored at the Elizabeth River Ferry dock at the foot of High Street in Portsmouth, Virginia, when the dock is within a safety zone for a

naval aircraft carrier or other large naval vessel.

(12) Restrictions on Vessel Operations During Liquefied Petroleum Gas Carrier Movements on the Chesapeake Bay and Elizabeth River.

(i) Except for a vessel that is moored at a marina, wharf, or pier or that is anchored, and which remains moored or at anchor, no vessel may, without the permission of the Captain of the Port, come within or remain within 250 feet from the port and starboard sides and 300 yards from the bow and stern of a vessel that is carrying liquefied petroleum gas in bulk as cargo, while the gas carrier transits between Thimble Shoal Lighted Buoy 3 and the Atlantic Energy Terminal on the Southern Branch of the Elizabeth River.

(ii) The permission required by paragraph (d)(12)(i) of this section may be obtained from a designated representative of the Captain of the Port, including the duty officer at the Coast Guard Marine Safety Office, Hampton Roads, or from the Coast Guard patrol commander.

(iii) A vessel that has carried liquefied petroleum gas in a tank is carrying the liquefied petroleum gas as cargo for the purposes of paragraph (d)(12)(i) of this section, unless the tank has been gas freed since liquefied petroleum gas was last carried as cargo.

(iv) The Captain of the Port issues a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements that are covered by paragraph (d)(12) of this section.

(v) Notwithstanding paragraph (d)(12)(i) of this section, a vessel may not remain moored at the Elizabeth River Ferry dock at the foot of High Street in Portsmouth, Virginia, when the dock is within a safety zone for a liquefied petroleum gas carrier.

(13) Restrictions on the Use of the Elizabeth River Ferry Dock at the Foot of High Street, Portsmouth, Virginia.

(i) No vessels, other than those being operated as ferries for the Tidewater Transportation District Commission, may embark or disembark passengers or otherwise moor at the Elizabeth

River Ferry dock at the foot of High Street, Portsmouth, Virginia.

(ii) Any vessel being operated for the Tidewater Transportation District Commission may not moor at the dock longer than necessary to embark passengers awaiting transportation or disembark passengers already aboard the vessel.

(iii) The master or another authorized licensed officer must remain in the pilothouse and be prepared to get the vessel underway immediately or take other actions necessary to ensure the safety of the vessel's passengers, whenever a vessel is moored at the dock.

(e) **Waivers.** (1) The Captain of the Port may, upon request, waive any regulation in this section, if the Captain of the Port finds that the vessel can be operated safely.

(2) An application for a waiver must state the need for the waiver and describe the proposed vessel operations.

(f) **Control of Vessels Within the Regulated Navigation Area.** (1) When necessary to prevent damage, destruction, or loss of any vessel, the I-864 Bridge Tunnel, or the CBBT, the Captain of the Port may direct the movement of vessels or issue orders requiring vessels to anchor or moor in specific locations.

(2) If needed to further the maritime or commercial interests of the United States, the Captain of the Port may order a vessel to move from the location in which it is anchored to another location within the Regulated Navigation Area.

(3) The master of a vessel within the Regulated Navigation Area shall comply with any orders or directions issued to the master's vessel by the Captain of the Port.

[CGD 05-88-17, 54 FR 608, Jan. 9, 1989; CGD 05-88-17, 54 FR 7190, Feb. 17, 1989, as amended by CGD 05-89-01, 54 FR 19169, May 4, 1989]

§ 165.502 Cove Point, Chesapeake Bay, Maryland—safety zone.

(a) The waters and waterfront facilities located within the following boundaries constitute a safety zone effective when an LNG (Liquefied Natural Gas) carrier is maneuvering in the vicinity of the Cove Point terminal

and when a moored LNG carrier indicates its intention to get underway: A line beginning at a point one-half mile NW of the end of the north pier of the Columbia LNG facility at Cove Point, Maryland, located at 38°24'43"N latitude, 76°23'32"W longitude; thence 056°T to a point 2800 yards offshore at 38°24'59"N latitude, 76°23'01"W longitude; thence 146°T to a point located 2300 yards offshore at 38°23'52"N latitude, 76°22'03"W longitude; thence 236°T to a point one-half mile SE of the end of the south pier of the Columbia LNG facility at Cove Point, Maryland, located 38°23'39"N latitude, 76°22'35"W longitude; thence northwesterly to the point of origin and the area within 50 yards on the shore side of the Columbia LNG Corporation offshore terminal.

(b) The waters and waterfront facilities located within the following boundary constitute a safety zone when an LNG carrier is moored at the Columbia LNG offshore terminal; an area extending 50 yards shoreward of the offshore terminal and 200 yards offshore of all parts of the offshore terminal and the LNG carrier.

(c) The waters and waterfront facilities located within the following boundary constitute a safety zone when no LNG carrier is moored at the receiving terminal: the area within 50 yards of the Columbia LNG offshore terminal, at Cove Point, Maryland.

§ 165.503 Chesapeake Bay ice navigation season.

(a) The following is a regulated navigation area: the waters within the boundary of a line which starts at the intersection of the Delaware-Maryland boundary and the coastline and follows the Delaware-Maryland boundary west and north to the Pennsylvania boundary but includes the Chesapeake and Delaware Canal and the reaches of the Nanticoke River; thence due east along the Pennsylvania-Maryland boundary to the West Virginia boundary; thence south and eastward along the Maryland-West Virginia boundary to the Virginia boundary; thence southwestward along the Virginia-West Virginia boundary to a point 39°06'N. latitude, 78°30'W. longitude; thence to a point 38°19.5'N. latitude,

77°25.2'W. longitude; thence to a point 37°55'N. latitude, 76°28.2'W. longitude; thence to a point 37°55'N. latitude, 76°16.8'W. longitude; thence to a point 37°56.5'N. latitude, 76°10.5'W. longitude; thence to a point 37°57.2'N. latitude, 76°03'W. longitude on Chesapeake Bay; thence along the Maryland-Virginia boundary to the sea.

(b) The regulations in paragraph (c) and (d) of this section are placed in effect and terminated by the Captain of the Port Baltimore by notice in the FEDERAL REGISTER. Notice is also given in the Fifth Coast Guard District Local Notice to Mariners and other available public notice means such as COTP newsletters and news broadcasts. This regulated navigation area will normally be placed in effect and terminated between December and March of the following year.

(c) This regulated navigation area applies to:

(1) Operators of those vessels defined under subparagraph (3) of section 5 of the Port and Tanker Safety Act, 92 Stat. 1482 (46 U.S.C. 391a) which includes any vessel—

(i) Regardless of tonnage, size, or manner of propulsion;

(ii) Whether self-propelled or not; and

(iii) Which carries oil or any hazardous materials in bulk as cargo or residue;

(2) Operators of those vessels defined under section 4, subparagraph (1) through (3) of the Vessel Bridge-to-Bridge Radiotelephone Act, 85 Stat. 164 (33 U.S.C. 1203(a)) (1) through (3) which includes—

(i) Every power-driven vessel of three hundred gross tons and upward;

(ii) Every vessel of one hundred gross tons and upward carrying one or more passengers for hire; and

(iii) Every towing vessel of twenty-six feet or greater in length.

(d) Upon entering or getting underway in this regulated navigation area when the regulations in this section are in effect, operators of vessels described in paragraph (c) of this section shall check with the Captain of the Port, Baltimore, by the most rapid means available, and request the current COTP Orders issued for this regulated navigation area. Operators of

affected vessels that cannot meet this requirement shall not navigate their vessels in the regulated navigation area.

(e) If unable to comply with a currently effective COTP Order, operators of vessels described in paragraph (c) of this section shall not navigate their vessels in the regulated navigation area and shall notify COTP Baltimore by the most rapid means available. Such notification shall include:

- (1) The name of the vessel,
- (2) The vessel's location, and
- (3) That provision of the currently effective order with which the vessel cannot comply.

[COD 81-067, 48 FR 22545, May 19, 1983]

§ 165.504 Newport News Shipbuilding and Dry Dock Company Shipyard, James River, Newport News, Va.

(a) *Location.* The following is a security zone: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 37°00'38.1" N, longitude 76°27'05.7" W, thence southerly to latitude 36°59'58.4" N, longitude 76°27'16.7" W, thence southeasterly to latitude 36°59'23.0" N, longitude 76°26'54.6" W, thence westerly to latitude 36°59'21.5" N, longitude 76°26'58.4" W, thence southeasterly to latitude 36°59'12.9" N, longitude 76°26'52.4" W, thence easterly to latitude 36°59'14.2" N, longitude 76°26'49.1" W, thence southeasterly to latitude 36°58'37.8" N, longitude 76°26'26.3" W, thence easterly to latitude 36°58'43.5" N, longitude 76°26'13.7" W, thence northerly to the intersection of the shoreline with the southernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 36°58'48.0" N, longitude 76°26'11.2" W, thence northwesterly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Company shipyard at latitude

37°00'38.1" N, longitude 76°27'05.7" W, thence southerly to latitude 36°59'58.4" N, longitude 76°27'16.7" W, thence easterly to the shoreline at latitude 36°59'58.5" N, longitude 76°27'11.6" W, thence along the shoreline to the point of beginning.

(c) *Special Regulations.* (1) Section 165.33 (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States.

(ii) Public vessels owned or operated by the Commonwealth of Virginia or its subdivisions for law enforcement or firefighting purposes.

(iii) Vessels owned by, operated by, or under charter to Newport News Shipbuilding and Dry Dock Co.

(iv) Vessels that are performing work at Newport News Shipbuilding and Dry Dock Co., including the vessels of subcontractors and other vendors of Newport News Shipbuilding and Dry Dock Co. or other persons that have a contractual relationship with Newport News Shipbuilding and Dry Dock Co.

(v) Vessels that are being built, rebuilt, repaired, or otherwise worked on at or by Newport News Shipbuilding and Dry Dock Co. or another person authorized to perform work at the shipyard.

(vi) Vessels that are authorized by Newport News Shipbuilding and Dry Dock Company to moor at and use its facilities.

(vii) Commercial shellfish harvesting vessels taking clams from the shellfish beds within the zone, if

(A) The owner of the vessel has previously provided the Captain of the Port, Hampton Roads, Virginia, information about the vessel, including:

- (1) The name of the vessel;
- (2) The vessel's official number, if documented, or state number, if numbered by a state issuing authority;
- (3) A brief description of the vessel, including length, color, and type of vessel;
- (4) The name, Social Security number, current address, and telephone number of the vessel's master, operator, or person in charge; and
- (5) Upon request, information the vessel's crew.

(B) The vessel is operated in compliance with any specific orders issued to the vessel by the Captain of the Port or other regulations controlling the operation of vessels within the security zone that may be in effect.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the enforcement of this zone by the U.S. Navy.

[CGD5 86-03, 51 FR 18322, May 19, 1986, as amended by CGD5 87-038, 52 FR 41996, Nov. 2, 1987]

§ 165.510 Delaware Bay and River—regulated navigation area.

(a) *The following is a regulated navigation area:* The waters of Delaware Bay and River, south and southwest of the southern span of the Delaware Memorial Bridge, and inside the boundary line of inland waters described in § 80.325 of this chapter.

(b) *Regulation.* (1) *Draft Limitation.* Unless otherwise authorized by the Captain of the Port, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

(2) *Oil transfer operations.* Unless otherwise authorized by the Captain of the Port, no vessel may conduct oil transfer operations in this regulated navigation area except in the anchorage ground designated in § 110.157(a)(1) of this chapter.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

SEVENTH COAST GUARD DISTRICT

§ 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are a security zone—The perimeter of the Cape Canaveral Barge Canal and the Banana River at 28°24'33"N, 80°39'48"W; then due west along the northern shoreline of the barge canal for 1,300 yards; then due north to 28°28'42"N, 80°40'30"W, on Merritt Island. From this position, the line proceeds irregularly to the eastern shoreline of the Indian River to a position 1,300 yards south of the NASA Causeway at 28°30'54"N, 80°43'42"W (the line from the barge canal to the eastern shoreline of the Indian River

is marked by a three-strand barbed-wire fence), then north along the shoreline of the Indian River to the NASA Causeway at 28°31'30"N, 80°43'48"W. The line continues west on the southern shoreline of the NASA Causeway to NASA Gate 3 (permanent), then north to the northern shoreline of the NASA Causeway and east on the northern shoreline of the causeway back to the shoreline on Merritt Island at position 28°31'36"N, 80°43'42"W, then northwest along the shoreline to 28°41'01.2"N, 80°47'10.2"W. (Blackpoint); then due north to channel marker #6 on the Intracoastal Waterway (ICW), then northeast along the southern edge of the ICW to the western entrance to the Haulover Canal. From this point, the line continues northeast along the southern edge of the Haulover Canal to the eastern entrance to the canal; then due east to a point in the Atlantic Ocean 3 miles offshore at 28°44'42"N, 80°37'51"W; then south along a line 3 miles from the coast to Wreck Buoy "WR6", then to Port Canaveral Channel Lighted Buoy 10, then west along the northern edge of the Port Canaveral Channel to the northeast corner of the intersection of the Cape Canaveral Barge Canal and the ICW in the Banana River at 28°24'38"N, 80°38'42"W. The line continues north along the east side of the Intracoastal Waterway to daymarker '35' thence North Westerly one quarter of a mile south of NASA Causeway East (Orsino Causeway) to the shoreline on Merritt Island at position 28°30.95N, 80°37.6W, then south along the shoreline to the starting point.

(b) The area described in paragraph (a) of this section is closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District, or the COTP Jacksonville, Florida, whenever space vehicles are to be launched by the United States Government from Cape Canaveral.

(c) COTP Jacksonville, Florida, closes the security zone, or specific portions of it, by means of locally promulgated notices. The closing of the area is signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28°35'00"N.

80°34'36"W, and from a 90-foot pole near the shoreline at approximately 28°28'18"N, 80°35'00"W. Appropriate Local Notices to Mariners will also be broadcast on 2670 KHZ.

[CGD 79-034, 47 FR 29680, July 8, 1982, as amended by CGD 7-82-10, 48 FR 11696, Mar. 21, 1983]

§165.703 Tampa Bay, Florida—Safety Zone.

(a) A floating safety zone is established consisting of an area 1000 yards fore and aft of a loaded anhydrous ammonia vessel and the width of the channel in the following areas:

(1) For inbound tank vessels loaded with anhydrous ammonia, Tampa Bay Cut "F" Channel from Lighted Buoys "3F" and "4F" north through and including Gadsden Point Cut Lighted Buoy "3" and commencing at Gadsden Point Cut Lighted Buoys "7" and "8" north and including Hillsborough Cut "C" Channel.

(i) For vessels bound for R. E. Knight Pier at Hookers Point the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Hillsborough Cut "D" Channel to the southern tip of Harbor Island.

(ii) For vessels bound for the anhydrous ammonia receiving terminals to Port Sutton the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Port Sutton Channel.

(2) For outbound tank vessels loaded with anhydrous ammonia the safety zone is established when the vessel departs the receiving terminal and continues through the area described in paragraph (a)(1) of this section.

(3) The floating safety zone is established when the anhydrous ammonia carrier is safely moored at the anhydrous ammonia receiving facility.

(b) A safety zone is established which extends 150 feet waterside from an anhydrous ammonia vessel while it is moored at the receiving facilities at R. E. Knight on Hookers Point and W. R. Grace and International Metals and Chemicals at Port Sutton. Any vessels desiring to enter the safety zone must obtain authorization from the Captain of the Port Tampa. Vessels transiting in the vicinity of the safety zone

should do so with as slow a speed as conditions permit.

(c) The general regulations governing safety zones contained in § 165.23 apply.

(d) The Marine Safety Office Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded anhydrous ammonia vessels via a marine broadcast Notice to Mariners.

(e) Should the actual time of entry of the anhydrous ammonia vessel into the safety zone vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the anhydrous ammonia vessel shall obtain permission from Captain of the Port Tampa before commencing the transit.

(f) Prior to commencing the movement, the person directing the movement of the anhydrous ammonia vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5, ATLANTIC COAST shall be made through the transit.

(g) Vessels carrying anhydrous ammonia are permitted to enter and transit Tampa Bay and Hillsborough Bay and approaches during daylight hours only with a minimum of three miles visibility.

(h) The Captain of the Port Tampa may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety or environmental safety.

(i) The owner, master, agent or person in charge of a vessel or barge, loaded with anhydrous ammonia shall report the following information to the Captain of the Port, Tampa at least twenty-four hours before entering Tampa Bay or its approaches or departing from Tampa Bay:

- (1) Name and country of registry of the vessel or barge;
- (2) The name of the port or place of departure;

(3) The name of the port or place of destination:

(4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone.

(5) The cargo carried and amount.

[CGD7-85-32, 51 FR 28382, Aug. 7, 1986 as amended by CGD07-87-07, 52 FR 31763, Aug. 24, 1987]

§ 165.704 Tampa Bay, Florida, Safety Zone.

(a) A floating safety zone is established consisting of an area 500 yards fore and aft of a loaded liquefied petroleum gas (LPG) vessel and the width of Tampa Bay Cut "J" channel from buoy "10J" (LLNR 1589) north and including Tampa Bay Cut "K" Channel to buoy "11K" (LLP 117). Vessels are not permitted to meet or pass the loaded LPG vessel when it transits these channels.

(b) When a loaded LPG vessel departs the marked channel at Tampa Bay Cut "K" buoy "11K" (LLP 117) enroute to Rattlesnake slip, Tampa, FL the floating safety zone extends 500 yards in all directions surrounding the loaded LPG vessel, until it arrives at the entrance to Rattlesnake slip. While the loaded LPG vessel is maneuvering in the slip and until it is safely moored at Warren Petroleum, Rattlesnake slip the floating safety zone extends 150 feet fore and aft of the loaded LPG vessel and the width of the slip. Moored vessels are allowed within the parameters of the 150 foot safety zone.

(c) The floating safety zone is disestablished when the LPG vessel is safely moored at the LPG receiving facility at Warren Petroleum, Rattlesnake slip.

(d) A fixed safety zone is established when an LPG vessel is safely moored at Warren Petroleum, extending 50 feet waterside from the vessel. Vessels are permitted to pass the moored LPG vessel; so long as they do not enter the fixed safety zone, and proceed only with extreme caution at the slowest safe speed possible. Vessels may not enter the fixed safety zone without the permission of the Captain of the Port Tampa.

(e) For an outbound vessel loaded with LPG, the floating safety zone is established when the vessel departs from the receiving facility and continues through the areas described in (a) and (b) above.

(f) The general regulations governing safety zones contained in § 165.23 apply.

(g) The Marine Safety Office Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a marine broadcast Notice to Mariners.

(h) The owner, master, agent or person in charge of a vessel or barge loaded with LPG shall report the following information to the Captain of the Port, Tampa at least twenty-four hours before entering Tampa Bay or its approaches:

(1) Name and country of registry of the vessel or barge;

(2) The name of the port or place of departure;

(3) The name of the port or place of destination;

(4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone.

(5) The cargo carried and amount.

(i) Should the actual time of entry of the LPG vessel into the safety zone area vary more than one half (½) hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the LPG vessel shall obtain permission from the Captain of the Port Tampa before commencing the transit.

(j) Prior to commencing the movement, the person directing the movement of the LPG vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5 Atlantic Coast shall be made throughout the transit.

(k) Vessels carrying LPG are permitted to enter and transit Tampa Bay and approaches only with a minimum of three miles visibility.

(l) The Captain of the Port Tampa may waive any of the requirements of

this support for any vessel or class of vessel upon finding that the operational conditions of a vessel or class of vessels, or other circumstances are such that application of this subpart is unnecessary or impractical for the purposes of port safety or environmental safety.

(CGD7-86-06, 52 FR 2690, Jan. 26, 1987)

§165.705 Port Canaveral Harbor, Cape Canaveral, Florida.

(a) Security Zone A—East (Trident) Basin, Port Canaveral Harbor, at Cape Canaveral Air Force Station, Brevard County, Florida. All waters of the East Basin north of latitude 28°24'36"N.

(b) Security Zone B—Middle Basin, Port Canaveral Harbor, adjacent to the Navy wharf at Cape Canaveral Air Force Station, Brevard County, Florida. The waters of Port Canaveral Harbor within a line circumscribing the water approaches to the Navy wharf along the northeasterly edge of the Port Canaveral Harbor turning basin at a distance of 200 feet from all portions of the wharf including the dolphins located 200 feet off the northwest end and 75 feet off the southeast end of the wharf.

(c) Entrance into these zones by vessels other than vessels owned or leased by the United States is prohibited without permission of the Captain of the Port, Jacksonville, Florida.

(d) The general regulations governing security zones contained in 33 CFR 165.33 apply.

(CGD7 87-38, 53 FR 38718, Oct. 3, 1988; CGD7 87-38, 54 FR 611, Jan. 9, 1989; CGD7 86-21, 54 FR 26198, June 22, 1989)

§165.710 St. Johns River, Jacksonville, Florida.

(a) The water, land, and land and water located within the following area is established as a security zone when activated by the Captain of the Port, Jacksonville, Florida: the north bank of the St. Johns River at the junction of Brill's Cut Range and Broward Point Turn, centered at Latitude 30°11'24'25"N, Longitude 81°34'55"W, including 800 feet of the north bank in each direction (1600 feet total) up and down river from this position (as defined by a corrugated

steel bulkhead which extends in a southeasterly direction along the north bank commencing at the entrance to Dunn's Creek) and extending offshore to the northern edge of the ship channel, and extending onshore approximately 300 feet to a steel chain-link fence.

(b) When the security zone is activated, no unauthorized persons shall enter this zone and no unauthorized water craft shall approach ships that are berthed within this zone, nor shall any unauthorized vessel moor alongside the corrugated steel bulkhead anywhere within the security zone.

(c) The general regulations governing security zones contained in 33 CFR 165.33 apply.

(d) Captain of the Port, Jacksonville, Florida, will activate the security zone by means of locally promulgated notices.

(CGD7-87-22, 53 FR 38719, Oct. 3, 1988)

§ 165.728 Jacksonville, Florida—safety zones.

(a) The water, land, and land and water within the following boundaries are established as safety zones during the specified conditions:

(1) Zone A. 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the Mayport Basin (Ribault Bay), Mayport, Florida. The prescribed safety zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2) Zone B. 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(b) The areas described in paragraph (a) of this section may be closed to all vessels and persons, except those vessels and persons authorized by Commander, Seventh Coast Guard District, or the Captain of the Port, Jacksonville, Florida, whenever specified Maritime Prepositioned Ships are moored at Blount Island, or in transit to and from berths at Mayport, Naval

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Basin, Mayport Florida, and Blount Island Terminal, Jacksonville, Florida.

(c) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(d) COTP Jacksonville, Florida, will activate the safety zones or specific portions of them by means of locally promulgated notices. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at Blount Island Terminal. Appropriate Notices to Mariners will also be broadcast on 2670 KHZ.

[CGD7 87-15, 52 FR 23442, June 22, 1987]

§ 165.729 Jacksonville Harbor, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are established as security zones during the specified conditions:

(1) *Zone A.* 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the Mayport Naval Basin (Ribault Bay), Mayport, Florida. The prescribed security zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2) *Zone B.* 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(b) The areas described in paragraph (a) of this section shall be closed to all vessels and persons, except those vessels and persons authorized by Commander, Seventh Coast Guard District, or the Captain of the Port, Jacksonville, Florida, whenever specified Maritime Prepositioned Ships, are moored at Blount Island, or in transit to and from berths at Mayport Naval Basin, Mayport, Florida and Blount Island Terminal, Jacksonville, Florida.

(c) The general regulations governing security zones contained in 33 CFR 165.33 apply.

(d) COTP Jacksonville, Florida, will activate the security zones or specific portions of them by means of locally

promulgated notices. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at Berth 12, Blount Island Terminal. Appropriate Notices to Mariners will also be broadcast on 2670 KHZ.

[CGD7 87-16, 52 FR 23443, June 22, 1987]

§ 165.730 King's Bay, GA—regulated navigation area.

Vessels transiting in the water bounded by the line connecting the following points must travel no faster than needed for steerageway:

<i>Latitude</i>	<i>Longitude</i>
30°47'58.5" N	081°29'24.5" W
30°46'44.0" N	081°29'18.4" W
30°47'35.0" N	081°30'16.5" W

and thence to the point of beginning.

[CGD7 88-46, 54 FR 20574, May 12, 1989]

§ 165.731 Security Zone—Naval Submarine Base Kings Bay, GA.

(a) The area within the following coordinates is a security zone, an area enclosed by a line starting at latitude 30°44'55" N, longitude 81°29'39" W, thence to 30°44'55" N, 81°29'18" W, thence to 30°46'35" N, 81°29'18" W, thence to 30°47'02" N, 81°29'34" W, thence to 30°47'21" N, 81°29'39" W, thence to 30°48'00" N, 81°29'42" W, thence to 30°49'07" N, 81°29'56" W, thence to 30°49'55" N, 81°30'35" W, thence to 30°50'15" N, 81°31'08" W, thence to 30°50'14" N, 81°31'30" W, thence to 30°49'58" N, 81°31'45" W, thence to 30°49'58" N, 81°32'03" W, thence to 30°50'12" N, 81°32'17" W, thence following the land based perimeter boundary to the point of origin.

(b) The security zone is necessary for protection of vital United States defense assets located at the United States Naval Submarine Base Kings Bay, Georgia.

(c) No person or vessel may enter or remain in the security zone without the permission of the Captain of the Port Jacksonville, Florida except those persons or vessels operating under the

authority of the United States Navy or the United States Coast Guard.

[COGD 7-85-44, 50 FR 48405, Nov. 25, 1985. Redesignated at 51 FR 24658, July 8, 1986]

§ 165.735 Brunswick, Georgia, Turtle River, Vicinity of Sydney Lanier Bridge.

Except during the flood tide, every vessel over 500 GRT departing the Port of Brunswick for sea shall do so only from the Turtle River, so as to be shaped up for bridge transit:

(a) Before reaching Turtle River Buoy "1" (Light List Number 6050); or,

(b) Before reaching the intersection of Brunswick Harbor Range and Turtle River Lower Range, provided that the vessel:

(1) Be equipped with an operable bow thruster or have tug assistance; and

(2) Be stopped and maneuvered with no appreciable way on until aligned with the centerline axis of the Turtle River Channel.

[COGD 87-27, 52 FR 48811, Dec. 28, 1987]

EIGHTH COAST GUARD DISTRICT

§ 165.802 Lower Mississippi River vicinity of Old River Control Structure—Safety Zone.

(a) The area enclosed by the following boundary is a safety zone—from the Black Hawk Point Light, mile 316.1 AHP LMR to a point opposite Ft. Adams Light, mile 311.5 AHP along the low water reference plane above the right descending bank; thence to the levee on a line perpendicular to the channel centerline; thence along the levee to the upstream end of the Old River Overbank structure; thence along a line to the Black Hawk Point Light.

(b) Any vessel desiring to enter this safety zone must first obtain permission from the Captain of the Port, New Orleans. The resident engineer at Old River Control Structure (WUG-4) is delegated the authority to permit entry into this safety zone.

[COGD 87-10, 53 FR 15207, Apr. 28, 1988, as amended by COGD 89-03, 54 FR 16108, Apr. 1989]

§ 165.803 Mississippi River—regulated navigation area.

The following is a regulated navigation area—The waters of the Mississippi River between miles 88 and 127 above Head of Passes.

(a) Definitions. As used in this section:

(1) "Breakaway" means a barge that is adrift and is not under the control of a towing vessel.

(2) "COTP" means the Captain of the Port, New Orleans.

(3) "Fleet" includes one or more tiers.

(4) "Fleeting facility" means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(5) "Mooring barge" or "spar barge" means a barge moored to mooring devices and to which other barges may be moored.

(6) "Mooring device" includes a deadman, anchor, pile or other reliable holding apparatus.

(7) "Person in charge" includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting facility subject to the regulations in this section.

(8) "Tier" means barges moored interdependently in rows or groups.

(b) Waivers:

(1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.

(2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(4) The COTP may, at any time, terminate any waiver issued under this subsection.

(c) Emergencies. In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.

(d) Mooring: General.

(1) No person may secure a barge to trees or to other vegetation.

(2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.

(3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(e) Mooring to a mooring device.

(1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device.

(2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device.

(3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1 1/4 inch. Chain or line used between the upstream end of a barge and a mooring device must be at least equivalent in strength to 1 1/4 inch diameter wire rope.

(4) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of 1/2 inch. Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of 1/2 inch diameter wire rope.

(f) Moorings: Barge-to-barge; barge-to-vessel; barge-to-wharf or pier. The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a

wharf, or a pier, is secured as near practicable to each abutting corner of the barge being moored by:

(1) Three parts of wire rope of at least 1/4 inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(2) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of 1/4 inch diameter wire rope;

(3) Fixed rigging that is at least equivalent to three parts of 1/4 inch diameter wire rope.

(g) Mooring: Person in charge.

(1) The person in charge of a barge tier, fleet or fleeting facility shall ensure that the barge, tier, fleet or fleeting facility meets the requirements in paragraphs (d) and (e) of this section.

(2) The person in charge shall ensure that all mooring devices, wire chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

(h) Fleeting facility: inspection of moorings.

(1) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (h)(2) of this section.

(2) The person assigned to inspect moorings shall inspect:

(i) At least twice each day during periods that are six hours or more apart each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each barge; and

(ii) After a towboat adds barges to or withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(3) The person who inspects moorings shall take immediate action to correct each deficiency.

(i) Fleeting facility: Records. The person in charge of a fleeting facility shall maintain, and make available to the Coast Guard, records containing the following information:

(1) The time of commencement and termination of each inspection

quired in paragraph (h)(2) of this section.

(2) The name of each person who makes the inspection required in paragraph (h)(2) of this section.

(3) The identification of each barge entering and departing the fleeting facility, along with the following information:

(i) Date and time of entry and departure; and

(ii) The names of any hazardous cargo which the barge is carrying.

NOTE: The requirements in paragraph (i)(3) of this section for the listing of hazardous cargo refer to cargoes regulated by Subchapters D and O of Chapter I, Title 46, Code of Federal Regulations.

(j) **Fleeting facility: Surveillance.**

(1) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP.

(2) The person who observes the barges shall:

(i) Inspect for movements that are unusual for properly secured barges; and

(ii) Take immediate action to correct each deficiency.

(k) **Fleeting facility: person in charge.** The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of paragraph (h) or (j) of this section is corrected.

(l) **Securing breakaways.** The person in charge shall take immediate action to:

(1) Secure each breakaway; and

(2) Report each breakaway as soon as possible to the COTP by telephone, radio or other means of rapid communication.

(m) **High water.**

(1) This subsection applies to barges on the Mississippi River between mile 88 and 127 above Head of Passes when:

(i) The Carrollton gage stands 12 feet or more; or

(ii) The Carrollton gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circum-

stances to be especially hazardous and issues orders directing that paragraphs (m)(2) and (3) of this section are in effect.

(2) During high water, the person in charge of a fleeting facility shall ensure compliance with the following requirements:

(i) Each fleet consisting of eight or more barges must be attended by at least one radar-equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(ii) Each fleet must have two or more towboats in attendance when:

(A) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains eight or more barges; or

(B) Barges are added to the fleet and the number of barges being added plus the fleet at the start of the operation total eight or more.

(iii) Each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section must be:

(A) Capable of safely withdrawing, moving or adding each barge in the fleet;

(B) Immediately operational;

(C) Radio-equipped;

(D) Within 500 yards of the barges; and

(iv) The person in charge of each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section shall maintain:

(A) A continuous guard on the frequency specified by current Federal Communications Commission regulations found in Part 83 of Title 47, Code of Federal Regulations; and

(B) When moored, a continuous watch on the barges in the fleeting facility.

(v) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (m)(2)(i) of this subsection shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

(3) During high water when visibility is reduced to less than 200 yards:

(i) Tows may not be assembled or disassembled;

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(ii) No barge may be added to, withdrawn from or moved within a fleet except:

(A) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(B) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(iii) No person in charge of a tow arriving in this regulated navigation area may moor unless the COTP is notified prior to arrival in the regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 82-020, 47 FR 35483, Aug. 16, 1982; CGD 79-026, 48 FR 35408, Aug. 4, 1983; CGD 88-075, 54 FR 14958, Apr. 14, 1989]

§ 165.804 Snake Island, Texas City, Texas; mooring and fleetling of vessels—safety zone.

(a) The following is a safety zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) The area of Texas City Channel from the north end of the Turning Basin to a line drawn 000° true from the northwesternmost point of Snake Island.

(b) Special regulations. All vessels are prohibited from mooring, anchoring, or otherwise stopping in the safety zone, except in case of an emergency.

(c) Barges are prohibited from fleetling or grounding in the zone.

(d) In an emergency, vessels shall advise the Captain of the Port, Galveston, of the nature of the emergency via the most rapid means available.

§ 165.805 Calcasieu Channel and Industrial Canal, Calcasieu River, Lake Charles, LA.

(a) The waters within the following boundaries are a safety zone: The area extending 150 feet out into the Industrial Canal, Calcasieu River, Lake Charles, LA, along the shoreline of the Trunkline LNG Company's waterfront property, from position 30°06'31.9"N., 93°17'37"W. to the end of the turning basin and to include an area 50 feet out from LNG ships while moored to the Trunkline LNG facility.

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(b) The waters within the following boundaries are a safety zone while a non-gas free LNG vessel is transiting within the Calcasieu River ship channel and between buoy "CC" and the Trunkline LNG facility: The area 2 miles ahead, 1 mile astern, and to either side of an LNG vessel to the width of the ship channel. Meeting, crossing, or overtaking situations are not permitted within the safety zone unless specifically authorized by the USCG Captain of the Port.

(c) Notice of transiting LNG vessels will be provided by Broadcast and/or Local Notice to Mariners.

[CGD 82-10, 47 FR 41957, Sept. 23, 1982, as amended by CGD 82-10, 50 FR 31592, Aug. 5, 1985]

§ 165.806 Sabine Neches Waterway, Texas—regulated navigation area.

(a) The following is a regulated navigation area—The Sabine Neches Waterway which includes the following waters: Sabine Pass Channel, Port Arthur Canal, Sabine Neches Canal, Neches River, Sabine River and all navigable waterways tributary therein.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Sabine Neches Waterway are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to insure that complete and effective control is maintained throughout the transit. In-bound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons of prudent seamanship.

[CGD 83-09, 49 FR 35500, Sept. 10, 1984]

§ 165.807 Calcasieu River, Louisiana—regulated navigation area.

(a) The following is a regulated navigation area—The Calcasieu River from the Calcasieu jetties up to and including the Port of Lake Charles.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Calcasieu River are prohibited unless such tows have a tug of sufficient horsepower.

power made up to the tow in such a manner as to insure that complete and effective control is maintained at all times. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons for prudent seamanship.

[CGD8-83-09, 49 FR 35500, Sept. 10, 1984]

§ 165.908 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.

(a) The following areas are established as safety zones during specified conditions:

(1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 500 yard radius of the LPG carrier while the vessel transits the Corpus Christi Ship Channel to the LPG receiving facility. The safety zone remains in effect until the LPG vessel is moored at the LPG receiving facility.

(2) For outgoing tank vessels loaded with LPG, the waters within a 500 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Corpus Christi Ship Channel. The safety zone remains in effect until the LPG vessel passes the seaward extremity of the Aransas Pass Jetties.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Broadcast Notice to Mariners.

[CGD 8-84-07, 50 FR 15744, Apr. 22, 1985; 50 FR 19933, May 13, 1985]

NINTH COAST GUARD DISTRICT

§ 165.901 Great Lakes—regulated navigation areas.

(a) *Lake Huron.* The following are regulated navigation areas:

(1) The waters of Lake Huron known as South Channel between Bois Blanc Island and Cheboygan, Michigan; bounded by a line north from Chey-

boygan Crib Light (LL-1340) at 45°39'48"N, 84°27'36"W; to Bois Blanc Island at 45°43'42"N, 84°27'36"W; and a line north from the mainland at 45°43'00"N, 84°35'30"W; to the western tangent of Bois Blanc Island at 45°48'42"N, 84°35'30"W.

(2) The waters of Lake Huron between Mackinac Island and St. Ignace, Michigan, bounded by a line east from position 45°52'12"N, 84°43'00"W; to Mackinac Island at 45°52'12"N, 84°39'00"W; and a line east from the mainland at 45°53'12"N, 84°43'30"W; to the northern tangent of Mackinac Island at 45°53'12"N, 84°38'48"W.

(b) *Lake Michigan.* The following is a regulated navigation area—The waters of Lake Michigan known as Gray's Reef Passage bounded by a line from Gray's Reef Light (LL-2006) at 45°46'00"N, 85°09'12"W; to White Shoals Light (LL-2003) at 45°50'30"N, 85°08'06"W; to a point at 45°49'12"N, 85°04'48"W; then to a point at 45°45'42"N, 85°08'42"W; then to the point of beginning.

(c) *Regulations.* The COTP, Sault Ste. Marie, will close and open these regulated navigation areas as ice conditions dictate. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated. Prior to the closing or opening of the regulated navigation areas, the COTP will give interested parties, including both shipping interests and island residents, not less than 72 hours notice of the action. No vessel may navigate in a regulated navigation area which has been closed by the COTP. Under emergency conditions, the COTP may authorize specific vessels to navigate in a closed regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.902 Niagara River at Niagara Falls, New York—safety zone.

(a) The following is a safety zone—The United States waters of the Niagara River from the crest of the American and Horseshoe Falls, Niagara Falls, New York to a line drawn across the Niagara River from the downstream side of the mouth of Gill Creek

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to the upstream end of the breakwater at the mouth of the Welland River.

§ 165.903 Safety Zones: Cuyahoga River and Old River, Cleveland, OH.

(a) *Location*: The waters of the Cuyahoga River and Old River extending ten (10) feet into the river at the following ten (10) location, including the adjacent shorelines, are safety zones:

(1) One hundred (100) feet downriver to one hundred (100) feet upriver from 41 degrees 29°53.5'N, 81 degrees 42°33.5'W, which is the knuckle on the north side of the Old River entrance at Ontario Stone.

(2) Fifty (50) feet downriver to fifty (50) feet upriver from 41 degrees 29°48.4'N, 81 degrees 42°44'W, which is the knuckle adjacent to the Ontario Stone warehouse on the south side of the Old River.

(3) From 41 degrees 29°51.1'N, 81 degrees 42°32.0'W, which is the corner of Nicky's pier at Sycamore Slip on the Old River, to fifty (50) feet east of 41 degrees 29°55.1'N, 81 degrees 42°27.6'W, which is the north point of the pier at Shooter's Restaurant on the Cuyahoga River.

(4) Twenty-five (25) feet downriver to twenty-five (25) feet upriver of 41 degrees 29°48.9'N, 81 degrees 42°10.7'W, which is the knuckle toward the downriver corner of the Nautica Stage.

(5) Ten (10) feet downriver to ten (10) feet upriver of 41 degrees 29°45.5'N, 81 degrees 42°9.7'W, which is the knuckle toward the upriver corner of the Nautica Stage.

(6) The fender on the west bank of the river at 41 degrees 29°45.2'N, 81 degrees 42°10'W, which is the knuckle at Bascule Bridge (railroad).

(7) The two hundred seventy (270) foot section on the east bank of the river between the Columbus Road bridge (41 degrees 29°18.8'N, 81 degrees 42°02.3'W) downriver to the chain link fence at the upriver end of the Commodore Club Marina.

(8) Fifty (50) feet downriver of twenty-five (25) feet upriver from 41 degrees 29°24.5'N, 81 degrees 41°57.2'W, which is the knuckle at the Upriver Marine fuel pump.

(9) Seventy-five (75) feet downriver to seventy-five (75) feet upriver from

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41 degrees 29°33.7'N, 81 degrees 41°57.5'W, which is the knuckle adjacent to the warehouse at Alpha Precast Products (United Ready Mix).

(10) Fifteen (15) feet downriver to fifteen (15) feet upriver from 41 degrees 29°41'N, 81 degrees 41°38.6'W, which is the end of the chain link fence between Jim's Steak House and Shippers C & D.

(b) *Regulations*—(1) *General Rule*. Except as provided below, entry of any kind or for any purpose into the foregoing zones is strictly prohibited in accordance with the general regulations in § 165.23 of this part.

(2) *Exceptions*. Any vessel may transit, but not moor, stand or anchor in, the foregoing zones as necessary to comply with the Inland Navigation Rules or to otherwise facilitate safe navigation. Cargo vessels of 1600 gross tons (GT) or greater may moor in these zones when conducting cargo transfer operations.

(3) *Waivers*. Owners or operators of docks wishing a partial waiver of these regulations may apply to the Captain of the Port, Cleveland, Ohio. Partial waivers will only be considered to allow for the mooring of vessels in a safety zone when vessels of 1600 GT or greater are not navigating in the proximate area. Any requests for a waiver must include a plan to ensure immediate removal of any vessels moored in a safety zone upon the approach of a vessel(s) 1600 GTs or greater.

[COTP Cleveland REG 89-01, 54 FR 9778 Mar. 8, 1989]

ELEVENTH COAST GUARD DISTRICT

§ 165.1101 Security Zone: Pacific Ocean off Mission Beach, San Diego, California.

(a) *Location*. The following area is a security zone: The water area within 100 yards (92 meters) of the Naval Ocean Systems Center Research Tower (Light List Number 6) located approximately 0.9 mile off Mission Beach, San Diego, California at latitude 32°46.4' N, longitude 117°16.1' W.

(b) *Regulations*. In accordance with the general regulations in § 165.23 of this part, entry into the area of this

zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base, San Diego, or the Commander, Naval Ocean Systems Center, San Diego. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-23, 51 FR 8199, Mar. 10, 1986]

§ 165.1102 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area within Naval Station, San Diego, California, described as follows:

Commencing at a point at the mouth of Chollas Creek, at latitude 32°41'12.5" N, longitude 117°07'0.57.0" W, (Point A), for a place of beginning; thence southwesterly to a point on the U.S. Pierhead Line 100 yards (92 meters) northwest of the head of Pier 1, at latitude 32°41'05.8" N, longitude 117°08'05.6" W, (Point B); thence southeasterly along the U.S. Pierhead Line to the south side of Pier 13 (Point C); thence northeasterly along the south side of Pier 13 to the shoreline of the Naval Station (Point D); thence generally northwesterly along the shoreline of the Naval Station to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base San Diego, or the Commanding Officer, Naval Station, San Diego. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-21, 51 FR 8198, Mar. 10, 1986]

§ 165.1103 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area adjacent to the Naval Ocean Systems Center, San Diego, California, and the Naval Supply Center, San Diego, California, described as follows:

Commencing at a point on the shoreline of Point Loma, at latitude 32°41'57.8" N, longitude 117°14'17.5" W (Point A), for a place of beginning; thence easterly to latitude 32°41'36.0" N, longitude 117°14'09.9" W (Point B); thence northeasterly to latitude 32°42'03.8" N, longitude 117°14'04.7" W (Point C); thence northeasterly to latitude 32°42'10.2" N, longitude 117°14'00.6" W (Point D); thence northwesterly to latitude

32°42'14.8" N, longitude 117°14'02.1" W (Point E); thence northwesterly to latitude 32°42'22.7" N, longitude 117°14'05.8" W (Point F); thence northwesterly to latitude 32°42'28.3" N, longitude 117°14'08.4" W (Point G); thence westerly to latitude 32°42'28.3" N, longitude 117°14'09.6" W (Point H); thence generally southerly along the shoreline of Point Loma to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base, San Diego, the Commander, Naval Ocean Systems Center, San Diego, or the Commanding Officer, Naval Supply Center, San Diego. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-20, 51 FR 8197, Mar. 10, 1986]

§ 165.1103 Safety Zone: Port of Los Angeles/Long Beach, CA.

(a) *Location.* The following area is a safety zone: Within 50 yards of pollution containment booms deployed at, in or near Alamitos Bay, Anaheim Bay, and Newport Bay while pollution mitigation efforts relating to the T/V American Trader crude oil discharge continue.

(b) *Effective Date.* This regulation becomes effective on 9 February 1990 and remains in effect until terminated.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

[Reg. 90-02, 55 FR 6639, Feb. 26, 1990]

EDITORIAL NOTE: By Reg. 90-02, 55 FR 6639, Feb. 26, 1990, § 165.1103 was added. This is an emergency temporary rule and will remain in effect until further notice.

§ 165.1104 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area adjacent to Naval Submarine Base, San Diego, California, described as follows:

Commencing at a point on the shoreline of Ballast Point, at latitude 32°41'11.2" N, longitude 117°13'57.0" W, (Point A), for a place of beginning; thence northerly (ap-

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proximately 352° T) to latitude 32°41'31.8" N., longitude 117°14'00.6" W. (Point B); thence westerly (approximately 243° T) to latitude 32°41'24.5" N., longitude 117°14'18.7" W. (Point C); thence generally southeasterly along the shoreline of the Naval Submarine Base to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base San Diego, or the Commander, Submarine Force, U.S. Pacific Fleet Representative, West Coast. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-19, 51 FR 8197, Mar. 10, 1986]

§ 165.1106 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area adjacent to Naval Air Station North Island, Coronado, California, and within 100 yards (91.5 meters) of the Cruiser (J-K) Pier and within 300 yards (275 meters) of the Carrier (L-P) Pier, described as follows:

From a point on the shoreline of Naval Air Station North Island, on North Island, Coronado, California, at latitude 32°42'47.5" N., longitude 117°11'25.0" W. (Point A), for a place of beginning; thence northeasterly to latitude 32°42'52.0" N., longitude 117°11'21.5" W. (Point B); thence southeasterly to latitude 32°42'44.5" N., longitude 117°11'11.0" W. (Point C); thence southerly to latitude 32°42'31.0" N., longitude 117°11'16.4" W. (Point D); thence southeasterly to latitude 32°42'21.4" N., longitude 117°10'44.5" W. (Point E); thence southerly to latitude 32°42'12.8" N., longitude 117°10'47.8" W. (Point F); thence generally northwesterly along the shoreline of Naval Air Station North Island to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Air Force, U.S. Pacific Fleet, the Commander, Naval Base San Diego, or the Commanding Officer, Naval Air Station North Island. Section 165.33 also contains other general requirements.

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[COTP San Diego Reg. 85-17, 51 FR 8194, Mar. 10, 1986]

§ 165.1106 Security Zone: San Diego Bay, California.

(a) *Location.* (1) The following area is a security zone: The water area adjacent to Naval Air Station North Island, Coronado, California, and within 100 yards (91 meters) of Bravo Pier, and vessels moored thereto, bounded by the following points (when no vessel is moored at the pier):

(i) Latitude 32°41'53.0" N, Longitude 117°13'33.6" W;

(ii) Latitude 32°41'53.0" N, Longitude 117°13'40.6" W;

(iii) Latitude 32°41'34.0" N, Longitude 117°13'40.6" W;

(iv) Latitude 32°41'34.0" N, Longitude 117°13'34.1" W.

(2) Because the area of this security zone is measured from the pier and from vessels moored thereto, the actual area of this security zone will be larger when a vessel is moored at Bravo Pier.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commanding Officer, Naval Air Station North Island. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-11, 51 FR 3774, Jan. 30, 1986, as amended at 52 FR 8881, Mar. 20, 1987]

§ 165.1107 San Diego Bay, California—safety zone.

(a) The waters of San Diego Bay enclosed by the following boundaries are a safety zone:

From a point located on the boundary of Coast Guard Air Station San Diego, California at latitude 32°43'37.2" N, longitude 117°10'45.0" W (point A), for a point of beginning; thence southeasterly to latitude 32°43'36.2" N, longitude 117°10'41.5" W (point B); thence southwesterly to latitude 32°43'20.2" N, longitude 117°10'49.5" W (point C); thence northwesterly to latitude 32°43'25.7" N, longitude 117°11'04.6" W (point D); thence northeasterly to latitude 32°43'35.7" N, longitude 117°10'59.5" W

(point E); thence generally easterly along the air station boundary to the point of beginning (point A).

(b)(1) In accordance with the general regulations in § 165.23 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, except as provided for below.

(2) Vessels may transit the area of this safety zone without permission, but may not anchor, stop, remain within the zone, or approach within 100 yards (92 meters) of the land area of Coast Guard Air Station San Diego or structures attached thereto.

[CGD 85-034, 50 FR 14703, Apr. 15, 1985 and COTP San Diego Reg. 85-06, 50 FR 38003, Sept. 19, 1985]

§ 165.1109 San Pedro Bay, California.

(a) The following is a regulated navigation area—The waters of San Pedro Bay enclosed by a line beginning at Los Angeles Light, latitude 33°42'30.8" N., longitude 118°15'02.5" W.; thence easterly along the Los Angeles-Long Beach Middle Breakwater to Long Beach Channel Entrance Light 2, latitude 33°43'23.5" N., longitude 118°10'46.9" W.; thence southerly to latitude 33°42'09.0" N., longitude 118°10'23.0" W.; thence westerly to latitude 33°42'09.0" N., longitude 118°11'33.3" W.; thence southwesterly to latitude 33°41'40.5" N., longitude 118°13'02.2" W.; thence westerly to latitude 33°41'36.1" N., longitude 118°13'43.0" W.; thence southwesterly to latitude 33°41'13.8" N., longitude 118°14'52.2" W.; thence northerly to the beginning point at Los Angeles Light.

(b) There are two pilot areas within the regulated navigation area described in paragraph (a). They are defined as follows:

(1) The Los Angeles Pilot Area is enclosed by a line beginning at Los Angeles Light, latitude 33°42'30.6" N., longitude 118°15'02.5" W.; thence easterly to Los Angeles Main Channel Entrance Light 2, latitude 33°42'38.8" N., longitude 118°14'37.5" W.; thence southeasterly to latitude 33°41'36.1" N., longitude 118°13'43.0" W.; thence southwesterly to latitude 33°41'13.8" N., longitude 118°14'52.2" W.; thence northerly to the beginning point.

(2) The Long Beach Pilot Area is enclosed by a line beginning at Long Beach Light, latitude 33°43'23.5" N., longitude 118°11'09.3" W.; thence easterly to Long Beach Channel Entrance Light 2, latitude 33°43'23.5" N., longitude 118°10'46.9" W.; thence southerly to latitude 33°42'09.0" N., longitude 118°10'23.0" W.; thence westerly to latitude 33°42'09.0" N., longitude 118°11'33.3" W.; thence northeasterly to the beginning point.

(c) For the purposes of this section:

(1) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(2) "Self-propelled Vessel" means any vessel propelled by machinery or capable of being propelled by machinery.

(3) "Towing Vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(4) "Controlled Vessel" means any self-propelled vessel of 300 Gross Tons and upward, any vessel certificated to carry fifty or more passengers, and any towing vessel of 26 feet or more in length.

(d) *Regulations.* (1) *Commercial Anchorage G.* Except in an emergency, no Controlled Vessel may enter Commercial Anchorage G (Outside of the middle breakwater) (§ 110.214(a)(7)), or the waters between Commercial Anchorage G and the Middle Breakwater, unless it anchors in Commercial Anchorage G or is standing by with confirmed pilot boarding arrangements with either the Los Angeles or Long Beach Pilot Services, or is engaged in towing vessels to or from Commercial Anchorage G.

(2) *Los Angeles Pilot Area.* No Controlled Vessel may enter the Los Angeles Pilot Area unless it is entering or departing the Los Angeles Main Channel via the Los Angeles Harbor Entrance (Angels' Gate). Every vessel, whether Controlled or not, entering the Los Angeles Pilot Area shall pass directly through without stopping or loitering unless stopping is necessary to embark or disembark a pilot. Every Controlled Vessel shall pass to the eastward of Los Angeles Approach

Lighted Bell Buoy LA when entering Los Angeles Main Channel and to the westward when departing.

(3) *Long Beach Pilot Area.* No controlled vessel may enter the Long Beach Pilot Area unless it is entering or departing Long Beach Channel via the Long Beach Harbor Entrance (Queen's Gate). Every vessel, whether Controlled or not, entering the Long Beach Pilot Area shall pass directly through without stopping or loitering unless stopping is necessary to embark or disembark a pilot. Every Controlled Vessel shall pass eastward of Long Beach Approach Lighted Whistle Buoy LB when entering Long Beach Channel and to the westward when departing. All Controlled Vessels shall pass across the southern boundary of the Long Beach Pilot Area when departing.

[CGD 82-046, 48 FR 1959, Jan. 17, 1983, as amended by CCGD11-85-03, 51 FR 2396, Jan. 16, 1986]

§ 165.1111 Security Zone: Wilson Cove, San Clemente Island, California.

(a) *Location.* The following area is a security zone: The water area adjacent to San Clemente Island, California within 1.5 nautical miles (1.73 statute miles, 2.8 kilometers) of the shoreline of San Clemente Island from Wilson Cove North End Light (LLNR 2565) to Spruce Pier, approximately 4.1 nautical miles (4.7 statute miles, 7.65 kilometers) southeast of Wilson Cove North End Light, described as follows:

Starting at a point on the shoreline of San Clemente Island, California, in position 33°01'25.0" N, 118°33'43.0" W, for a place of beginning (point A), thence northeasterly to 33°02'11.0" N, 118°32'13.5" W (point B), thence southeasterly to 32°58'40.5" N, 118°29'15.5" W (point C), thence southwesterly to 32°57'54.0" N, 118°31'17.2" W (point D), thence northwesterly along the shoreline of San Clemente Island to the place of beginning.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, San Diego, California. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 87-04, 52 FR 18230, May 14, 1987]

§ 165.1112 Safety Zone: West Cove, San Clemente Island, California.

(a) *Location.* The following area is a safety zone: The water area adjacent to San Clemente Island, California bounded by the following coordinates and the shoreline of San Clemente Island:

Point A—33°01'38.0" N, 118°36'18.0" W
Point B—33°01'11.0" N, 118°37'25.0" W
Point C—33°00'00.0" N, 118°36'51.0" W
Point D—33°00'00.0" N, 118°34'56.5" W.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is permitted, but anchoring, fishing, and other similar activities are prohibited unless authorized by the Captain of the Port, San Diego, California.

(2) Entry into the area of this zone will be prohibited at certain times. U.S. Coast Guard personnel in the zone will provide notification to the public of the times when entry into the zone is prohibited.

(3) Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 87-05, 52 FR 18231, May 14, 1987]

§ 165.1113 San Pedro Bay, California—safety zone.

(a) The following area is a Safety Zone: The waters of San Pedro Bay enclosed by a line beginning on the shore of Long Beach Pier J at latitude 33°44'19" N., longitude 118°12'15" W.; thence proceeding southerly to latitude 33°44'10" N., longitude 118°12'14" W.; thence southeasterly to latitude 33°43'52" N., longitude 118°11'42" W.; thence easterly to latitude 33°43'51" N., longitude 118°10'57" W.; thence northerly to latitude 33°44'19" N., longitude 118°10'57" W.; thence westerly to the shore of Pier J at latitude 33°44'19" N., longitude 118°11'07" W.; and thence along the southern shore of Pier J to the beginning point.

(b) *Regulations:* In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

[CGD11 89-11, 54 FR 15754, Apr. 19, 1989]

§ 165.T1128 Safety Zone: San Pedro Bay, California.

(a) *Location.* The waters bounded by the following coordinates are a safety zone: 33°43'15"N., 118°06'52"W.; 33°43'15"N., 118°06'39"W.; 33°43'03"N., 118°06'39"W.; 33°43'03"N., 118°06'52"W.

(b) *Regulations.* (1) In accordance with general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the captain of the port.

[48 FR 23639, May 26, 1983]

EDITORIAL NOTE: At 48 FR 23639, May 26, 1983, § 165.T1128 was added. This is an emergency temporary rule and will remain in effect until further notice.

THIRTEENTH COAST GUARD DISTRICT

§ 165.1301 Puget Sound, Washington—regulated navigation area.

(a) The following is a regulated navigation area—All of the following northwestern Washington waters under the jurisdiction of the Captain of the Port Puget Sound: Puget Sound, Hood Canal, Possession Sound, Elliott Bay, Commencement Bay, the Strait of Juan de Fuca, the San Juan Archipelago, Georgia Strait, Rosario Strait, and all waters adjacent to the above.

(b) This regulation is intended to enhance vessel traffic safety during periods of congestion and consists of *general regulations* which are continuously in effect and *Temporary Special Traffic Lanes* which may be established by the Coast Guard in response to specific conditions. When the Coast Guard determines that the various competing uses of the above waters have resulted in or may result in such concentrations of vessels as to constitute a hazard to navigation, the Puget Sound Vessel Traffic Service (PSVTS) under authority of § 161.107 of this Title may implement the regulations provided in this Section for Temporary Special Traffic Lanes and will, when it judges such action to be necessary, and when other operational requirements and conditions permit, provide hourly broadcasts on the PSVTS operating frequencies advising of known or expected vessel traffic.

(c) *General regulations.* (1) Vessels without a tow transiting areas occupied by concentrations of vessels engaged in fishing or other operations shall indicate their approach by sounding one blast of 4 to 6 seconds. Vessels with a tow shall indicate their approach by sounding one blast of 4 to 6 seconds, followed by two short blasts. At night, and after sounding the appropriate signal, approaching vessels shall direct a beam of light in the direction of their intended course.

(2) Vessels engaged in fishing or other operations along the intended course of any vessel, upon becoming aware of the approach of that vessel or hearing its signal, shall at night show a quick flash of light and, if it has nets or other gear in the water, shine a light in the direction of that gear. (For daylight hours, no specific indications of activity or position of gear are required beyond those contained in Part 81, Appendix A of this Title (72 COLREGS).) The vessel engaged in fishing or other operation shall then draw in its gear, maneuver, or otherwise cooperate with the approaching vessel to permit passage. The use of bridge-to-bridge radiotelephone communications is encouraged in arranging for safe passage and to reduce the possibility of damage to vessels and gear.

(3) During periods of heavy vessel concentrations in the waters south of Lopez Island, deep-draft vessels, and tugs with tows entering and leaving Rosario Strait shall, when directed by PSVTS, transit by such route as to avoid those concentrations.

(4) To the maximum extent feasible, all vessels shall adjust sailing times to reduce traffic through areas of heavy concentrations of vessels engaged in fishing or other operations.

(5) Vessels engaged in gill net fishing at any time between sunset and sunrise in any of the above-listed waters shall, in addition to the navigation lights and shapes required by the Part 81 of this title (72 COLREGS), display at the end of the net most distant from the vessel an all-round (32-point) white light visible for a minimum of two nautical miles and displayed from at least three feet above the surface of the water.

(6) A vessel engaged in gill net fishing shall be crewed by at least one person capable of controlling the net. Such person shall be in constant attendance upon each gill net while it is laid out.

(d) *Temporary Special Traffic Lanes.*

(1) During periods of congestion or when otherwise deemed appropriate, PSVTS may exercise its authority under § 161.107 of this Title and establish a Temporary Special Traffic Lane, as described below, for use as an alternative to the Traffic Separation Scheme (TSS) described in Part 161 of this Title. When fishing or other operations have reached or may reach such concentrations as to significantly impede navigation or to create a hazard, the PSVTS may establish this Temporary Special Traffic Lane and announce that fact through a Broadcast Notice to Mariners and on the PSVTS operating frequencies. PSVTS may then grant deviations for vessels to use the Temporary Special Traffic Lane in lieu of the TSS.

(2) When established, the Temporary Special Traffic Lane may be all or any part of a lane commencing east of Pt. Wilson at the mid-point of the TSS Separation Zone on a line connecting the eastern tip of Pt. Wilson and the southern tip of Admiralty Head (said mid-point being located at 48°08'53" N, 122°43'27" W) and extending southerly to the center of Precautionary Area "TC" off Browns Point. (For a description of these Separation Zones, Traffic Lanes, and Precautionary Areas, see §§ 161.183, 161.185, and 161.187 of this Title.) One boundary of the Temporary Special Traffic Lane shall be the center line of the TSS. The other boundary shall be parallel to and one half nautical mile east of this line, or parallel to and one half nautical mile west of this line, depending upon which configuration would be most advantageous in avoiding concentrations of vessels during the period the Temporary Special Traffic Lane is to be in place. This determination shall be made by PSVTS and shall determine the description of the lane announced on the Broadcast Notice to Mariners and on the PSVTS operating frequencies. Similar Temporary Special Traffic Lanes consisting of the area within

one quarter nautical mile on each side of a straight line connecting the Edmonds and Kingston ferry landings, and one quarter nautical mile on each side of a straight line connecting the Mukilteo and Columbia Beach ferry landings, may be established and administered in a similar fashion by PSVTS when deemed appropriate.

(3) During the period when the Temporary Special Traffic Lanes have been established, vessels engaged in fishing or other operations within these Temporary Special Traffic Lanes (other than merely crossing or transiting the area) shall continuously monitor the PSVTS operating frequency for the area in which they are located. Such vessels shall draw in their gear, maneuver, or otherwise clear the Temporary Special Traffic Lanes so that the required action is complete no later than 15 minutes before the estimated time of arrival at their location of any vessels transiting the Temporary Special Traffic Lanes to enable that traffic to pass with safety and without delay.

[CGD13 83-12, 40 FR 32179, Aug. 13, 1984]

§ 165.1302 Bangor Naval Submarine Base, Bangor, WA.

(a) *Location.* The following is a security zone: The waters of the Hood Canal encompassed by a line commencing on the east shore of Hood Canal at latitude 47°43'17" N., longitude 122°44'44" W., thence to latitude 47°43'32" N., longitude 122°44'40" W.; thence to latitude 47°43'50" N., longitude 122°44'40" W.; thence to latitude 47°44'24" N., longitude 122°44'23" W.; thence to latitude 47°45'47" N., longitude 122°43'22" W.; thence to latitude 47°46'23" N., longitude 122°42'43" W.; thence to latitude 47°46'23" N., longitude 122°42'20" W.; thence to latitude 47°46'20" N., longitude 122°42'13" W.; thence southerly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: Area No. 2. Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47°46'26" N., longitude 122°42'49" W.

(c) *Special Regulations.* (1) Section 165.33 paragraphs, (a), (e), and (f) do

not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States, other than United States Naval vessels.

(ii) Vessels that are performing work at Naval Submarine Base Bangor pursuant to a contract with the United States Navy which requires their presence in the security zone.

(iii) Any other vessels or class of vessels mutually agreed upon in advance by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. Vessels operating in the security zone under this exemption must have previously obtained a copy of a certificate of exemption permitting their operation in the security zone from the Security Office, Naval Submarine Base Bangor. This written exemption shall state the date(s) on which it is effective and may contain any further restrictions on vessel operations within the security zone as have been previously agreed upon by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. The certificate of exemption shall be maintained on board the exempted vessel so long as such vessel is operating in the security zone.

(2) Any vessel authorized to enter or remain in the security zone may anchor in the security zone anchorage.

(3) Other vessels desiring access to this zone shall secure permission from the Captain of the Port through the Security Office of the Naval Submarine Base Bangor. The request shall be forwarded in a timely manner to the Captain of the Port by the appropriate Navy official.

(d) **Enforcement.** The U.S. Coast Guard may be assisted in the patrol and monitoring of this security zone by the U.S. Navy.

[CDG13 87-06, 52 FR 47924, Dec. 17, 1987]

FOURTEENTH COAST GUARD DISTRICT

§ 165.1401 Apra Harbor, Guam—safety zones.

(a) The following is designated as Safety Zone A—The waters of the Pacific Ocean and Apra Outer Harbor encompassed within an arc of 725 yards radius centered at the center of Wharf H. (Located at 13°27'47"N and

144°39'01.9"E. Based on World Geodetic System 1984 Datum)

(b) The following is designated Safety Zone B—The waters of Apra Outer Harbor encompassed within an arc of 680 yards radius centered at the center of Naval Wharf Kilo. (Located at 13°26'43"N, 144°37'46.7"E. Based on World Geodetic system 1984 Datum)

(c) Special regulations. (1) Section 165.23 does not apply to Safety Zone A and/or Safety Zone B, except when Wharf H and/or Naval Wharf Kilo, or a vessel berthed at Wharf H and/or Naval Wharf Kilo, is displaying a red (BRAVO) flag by day or a red light by night.

(2) In accordance with the general regulations in 165.23 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port, Guam.

[COTP Guam Reg. 89-001, 55 FR 18725, May 4, 1990]

§ 165.1402 Apra Outer Harbor, Guam—regulated navigation area.

(a) The following is a regulated navigation area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to Spanish Rocks at latitude 13°27'09.5"N, longitude 144°37'20.6"E; thence along the shoreline of Apra Outer Harbor to latitude 13°26'28.1"N, longitude 144°39'52.5"E (the northwest corner of Polaris Point); thence to latitude 13°26'40.2"N, longitude 144°39'28.1"E; thence to latitude 13°26'32.1"N, longitude 144°39'02.8"E; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26'42"N, longitude 144°36'58.5"E; thence to the beginning.

(b) Regulations:

(1) Except for public vessels of the United States, vessels may not enter Apra Outer Harbor without permission of the Captain of the Port if they have on board more than 25 tons of high explosives.

(2) Except for vessels not more than 65 feet in length, towboats or tugs without tows, no vessel may pass another vessel in the vicinity of the Outer Harbor entrance.

(3) Vessels over 100 gross tons shall:

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(i) Steady on the entrance range at least 2 miles west of the entrance when approaching Apra Outer Harbor and;

(ii) [Reserved]

(iii) Steady on the range when departing Apra Outer Harbor.

(4) Vessels may not anchor in the fairway. The fairway is the area within 375 feet on either side of a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to latitude 13°27'14.1"N, longitude 144°39'14.4"E; thence to latitude 13°26'35.2"N, longitude 144°39'46.4"E; thence to latitude 13°26'30.8"N, longitude 144°39'44.4"E.

(5) Vessels over 100 gross tons may not proceed at a speed exceeding 12 knots within the harbor.

(6) No vessel may leave Apra Outer Harbor until any inbound vessel over 65 feet in length has cleared the Outer Harbor Entrance.

§ 165.1403 Security Zone: Tinian, Commonwealth Northern Marianas Islands.

(a) *Location.* The following is designated as a security zone: The waters of the Pacific Ocean off Tinian between 14°59'04.9" N, 145°34'58.6" E to 14°59'20.1" N, 145°35'41.5" E to 14°59'09.8" N, 145°36'02.1" E to 14°57'49.3" N, 145°36'28.7" E to 14°57'29.1" N, 145°35'31.1" E and back to 14°59'04.9" N, 145°34'58.6" E. This zone is in effect when one, or more, of the Maritime Preposition Ships is in the zone or moored at Mooring A located at 14°58'57.0" N and 145°35'40.8" E or Mooring B located at 14°58'15.9" N, 145°35'54.8" E. Additionally, a 50-yard security zone will remain in effect in all directions around Moorings A and B when no vessels are moored thereto.

NOTE: All positions of latitude and longitude are from International Spheroid, Astro Pier 1944 (Saipan) Datum (DMA Chart 81071).

(b) *Regulations.* (1) In accordance with general regulations in § 165.33 of this part, entry into this security zone is prohibited unless authorized by the Captain of the Port.

[COTP Honolulu Reg. 86-08, 51 FR 42220, Nov. 24, 1986]

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§ 165.1404 Apra Harbor, Guam—security zone.

(a) The following is designated as Security Zone C—The waters of Apra Outer Harbor, Guam surrounding Naval Mooring Buoy No. 702 (Located at 13°27'30.1"N and 144°38'12.9"E. Based on World Geodetic System 1984 Datum) and the Maritime Prepositioning ships moored thereto. The security zone will extend 100 yards in all directions around the vessel and its mooring. Additionally, a 50 yard security zone will remain in effect in all directions around buoy No. 702 when no vessel is moored thereto.

(b) In accordance with the general regulations in § 165.33 of this part, entry into Security Zone C is prohibited unless authorized by the Captain of the Port, Guam.

[COTP Guam Reg. 89-001, 55 FR 18725, May 4, 1990]

SEVENTEENTH COAST GUARD DISTRICT

§ 165.1701 Port Valdez, Valdez, Alaska—safety zone.

The waters within the following boundaries are a safety zone—The area within 200 yards of any waterfront facility at the Trans-Alaska Pipeline Valdez Terminal complex or vessels moored or anchored at the Trans-Alaska Pipeline Valdez Terminal complex and the area within 200 yards of any tank vessel maneuvering to approach, moor, unmoor, or depart the Trans-Alaska Pipeline Valdez Terminal complex.

§ 165.1702 Gastineau Channel, Juneau, Alaska—safety zone.

(a) The waters within the following boundaries are a safety zone: A line beginning at the Standard Oil Company Pier West Light (LLNR 3217), located at position 58°17.9'N, 134°24.5'W, in the direction of 140° True to Rock Dump Lighted Buoy 2A (LLNR 3213) at position 58°17.2'N, 134°23.8'W; thence in the direction of 003° True to a point at position 58°17.4'N, 134°23.7'W, on the north shore of Gastineau Channel; thence northwesterly along the north shore of Gastineau Channel to the point of origin.

(b) *Special Regulations:*

(1) All vessels may transit or navigate within the safety zone.

(2) No vessels, other than a large passenger vessel (including cruise ships and ferries) may anchor within the Safety zone without the express consent from the Captain of the Port, Southeast Alaska.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.1703 Ammunition Island, Port Valdez, Alaska.

(a) The waters within the following boundaries is a safety zone—the area within 1330 yards of Ammunition Island, latitude 61.07-5N, longitude 146.18W, and the vessel moored or anchored at Ammunition Island.

(b) The area 200 yards off the vessel navigating the Vessel Traffic system from abeam of Naked Island, maneuvering to approach, moor, unmoor at Ammunition Island, or the departure of the vessel from Ammunition Island.

(c) Special regulation. (1) Section 165.23 does not apply to paragraph (a) of this section, except when the vessel is moored to Ammunition Island.

(d) Effective August 25, 1987 Notice of vessels arrival will be made in the Notice to Mariners, Local Notice to Mariners and in the Local Valdez newspaper, prior to the vessel arrival.

52 FR 30671, Aug. 17, 1987]

§ 165.1705 Ketchikan Harbor, Ketchikan, Alaska—safety zone.

(a) That portion of Ketchikan Harbor, Ketchikan, Alaska enclosed by the following boundary lines is a Safety Zone: A line from Thomas Main Entrance Light "2", latitude 55°-20'3" N., longitude 131°-38'5" W., to East Channel Lighted Buoy "4A", latitude 55°-20'4" N., longitude 131°-38'9" W., to Pennock Island Reef Lighted Buoy "PR", latitude 55°-20'3" N., longitude 131°-40' W., to Wreck Lighted Buoy "WR6", latitude 55°-20'7" N., longitude 131°-40'3" W., then following a line bearing 064 degrees true to shore. This zone is effective 24 hours per day from 1 May through 30 September, annually. Annual notices of these regulations

will be issued in Local Notices to Mariners.

(b) Special Regulations:

(1) All vessels may transit or navigate within the safety zone.

(2) No vessels, other than a large passenger vessel over 1600 gross tons (including ferries), may anchor within the Safety Zone without the express consent of the Captain of the Port, Southeast Alaska.

[COTP SE, Alaska Reg. 85-01, 51 FR 4906, Feb. 10, 1986]

PART 166—SHIPPING SAFETY FAIRWAYS

Subpart A—General

- Sec.
- 166.100 Purpose.
- 166.103 Geographic coordinates.
- 166.105 Definitions.
- 166.110 Modification of areas.

Subpart B—Designations of Fairways and Fairway Anchorages

- 166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.
- 166.300 Areas along the coast of California.
- 166.400 Areas along the coast of Alaska.
- 166.500 Areas along the Atlantic Coast.

AUTHORITY: 33 U.S.C. 1223; 49 CFR 1.46.

Subpart A—General

§ 166.100 Purpose.

The purpose of these regulations is to establish and designate shipping safety fairways and fairway anchorages to provide unobstructed approaches for vessels using U.S. ports.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

§ 166.103 Geographic coordinates.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are

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published on the particular map or chart being used.

[CGD 86-082, 52 FR 33811, Sept. 8, 1987]

§ 166.105 Definitions.

(a) "Shipping safety fairway" or "fairway" means a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. Temporary underwater obstacles may be permitted under certain conditions described for specific areas in Subpart B. Aids to navigation approved by the U.S. Coast Guard may be established in a fairway.

(b) "Fairway anchorage" means an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted within certain spacing limitations, as described for specific areas in Subpart B.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

§ 166.110 Modification of areas.

Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

Subpart B—Designations of Fairways and Fairway Anchorages

§ 166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.

(a) *Purpose.* Fairways and anchorage areas as described in this section are established to control the erection of structures therein to provide safe approaches through oil fields in the Gulf of Mexico to entrances to the major ports along the Gulf Coast.

(b) *Special Conditions for Fairways in the Gulf of Mexico.* Temporary anchors and attendant cables or chains attached to floating or semisubmersible drilling rigs outside a fairway may be placed within a fairway described in this section for the Gulf of Mexico, provide the following conditions are met:

(1) Anchors installed within fairways to stabilize semisubmersible drilling rigs shall be allowed to remain 120 days. This period may be extended by

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the Army Corps of Engineers, as provided by § 209.135(b).

(2) Drilling rigs must be outside of any fairway boundary to whatever distance is necessary to ensure that the minimum depth of water over an anchor line within a fairway is 125 feet.

(3) No anchor buoys or floats or related rigging will be allowed on the surface of the water or to a depth of at least 125 feet from the surface, within a fairway.

(4) Aids to Navigation or danger markings must be installed as required by 33 CFR Subchapter C.

(c) *Special Conditions for Fairway Anchorages in the Gulf of Mexico.* Structures may be placed within an area designated as a fairway anchorage, but the number of structures will be limited by spacing as follows:

(1) The center of a structure to be erected shall not be less than two (2) nautical miles from the center of any existing structure.

(2) In a drilling or production complex, associated structures connected by walkways shall be considered one structure for purposes of spacing, and shall be as close together as practicable having due consideration for the safety factors involved.

(3) A vessel fixed in place by moorings and used in conjunction with the associated structures of a drilling or production complex, shall be considered an attendant vessel and the extent of the complex shall include the vessel and its moorings.

(4) When a drilling or production complex extends more than five hundred (500) yards from the center, a new structure shall not be erected closer than two (2) nautical miles from the outer limit of the complex.

(5) An underwater completion installation in an anchorage area shall be considered a structure and shall be marked with a lighted buoy approved by the United States Coast Guard under § 66.01.

(d) Designated Areas.

(1) *Brazos Santiago Pass Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
26°03'27"	97°08'36"
26°02'57"	97°07'11"
26°02'06"	96°57'24"
25°58'54"	96°19'00"

and rhumb lines joining points at:

Latitude	Longitude
26°04'27"	97°08'36"
26°04'58"	97°07'07"
26°04'12"	96°59'30"
26°04'00"	96°57'24"
26°00'54"	96°19'00"

(2) *Brazos Santiago Pass Anchorage Areas.* The areas enclosed by rhumb lines joining points at:

Latitude	Longitude
26°02'57"	97°07'11"
26°02'06"	96°57'24"
25°58'54"	96°57'24"
25°58'54"	97°07'18"
26°02'57"	97°07'11"

and rhumb lines joining points at:

Latitude	Longitude
26°04'58"	97°07'07"
26°09'00"	97°07'00"
26°09'00"	96°59'30"
26°04'12"	96°59'30"
26°04'58"	97°07'07"

(3) *Port Mansfield Safety Fairway.* The area between a rhumb line joining points at:

Latitude	Longitude
26°33'39"	97°16'04"
26°33'43"	97°14'38"

and rhumb lines joining points at:

Latitude	Longitude
26°34'04"	97°16'05"
26°34'40"	97°15'47"
26°34'43"	97°14'40"

(4) *Aransas Pass Safety Fairway.* The area between rhumb lines joining points at:

Latitude	Longitude
27°49'21"	97°02'08"
27°48'11"	97°01'06"
27°46'26"	96°57'40"
27°45'14"	96°55'26"
27°44'09"	96°53'25"
27°42'47"	96°51'39"
27°39'24"	96°48'26"
27°21'59"	96°11'42"

and rhumb lines joining points at:

Latitude	Longitude
27°50'15"	97°01'32"
27°49'54"	96°59'56"
27°45'22"	96°51'19"
27°44'35"	96°48'31"
27°43'49"	96°45'47"
27°35'17"	96°27'46"
27°33'33"	96°24'06"
27°25'53"	96°07'50"

separated by areas enclosed by rhumb lines joining points at:

Latitude	Longitude
27°41'10"	96°47'23"
27°34'50"	96°34'01"
27°34'59"	96°31'56"
27°42'03"	96°48'51"
27°41'10"	96°47'23"

and rhumb lines joining points at:

Latitude	Longitude
27°33'06"	96°30'21"
27°23'33"	96°10'12"
27°24'19"	96°09'26"
27°33'15"	96°28'16"
27°33'06"	96°30'21"

(5) *Aransas Pass Anchorage Areas.* The areas enclosed by rhumb lines joining points at:

Latitude	Longitude
27°49'54"	96°59'56"
27°45'22"	96°51'19"
27°51'46"	96°40'12"
27°53'36"	96°58'30"
27°49'54"	96°59'56"

and rhumb lines joining points at:

Latitude	Longitude
27°45'14"	96°55'26"
27°43'00"	96°55'27"

Latitude	Longitude
27°44'00"	96°53'25"
27°45'14"	96°55'26"

(6) *Matagorda Entrance Safety Fairway.*
The areas between rhumb lines joining points at:

Latitude	Longitude
28°24'50"	96°19'38"
28°22'16"	96°17'40"
28°14'48"	96°09'42"
28°11'24"	96°06'06"
28°10'06"	96°04'42"
27°38'02"	95°49'39"

with rhumb lines joining points at:

Latitude	Longitude
28°25'31"	96°18'48"
28°23'38"	96°16'00"
28°16'12"	96°08'06"
28°12'30"	96°04'12"
28°11'13"	96°02'46"
27°38'12"	95°47'19"

(7) *Matagorda Entrance Anchorage Areas.*
The areas enclosed by rhumb lines joining points at:

Latitude	Longitude
28°22'16"	96°17'40"
28°14'48"	96°09'42"
28°12'42"	96°12'12"
28°20'12"	96°20'12"
28°22'16"	96°17'40"

and rhumb lines joining points at:

Latitude	Longitude
28°23'38"	96°16'00"
28°25'38"	96°13'36"
28°18'12"	96°05'36"
28°16'12"	96°06'06"
28°23'38"	96°16'00"

(8) *Freeport Harbor Safety Fairway.* The area between rhumb lines joining points at:

Latitude	Longitude
28°55'19"	95°17'48"
28°52'58"	95°16'06"
28°44'52"	95°07'43"
28°43'32"	95°06'18"
28°04'48"	94°26'12"

and rhumb lines joining points at:

Latitude	Longitude
28°55'58"	95°16'55"
28°54'05"	95°14'10"
28°45'58"	95°05'48"
28°44'39"	95°04'22"
28°07'48"	94°26'12"

(9) *Freeport Harbor Anchorage Areas.* The areas enclosed by rhumb lines joining points at:

Latitude	Longitude
28°52'58"	95°16'06"
28°44'52"	95°07'43"
28°42'24"	95°12'00"
28°51'30"	95°18'42"
28°52'58"	95°16'06"

and rhumb lines joining points at:

Latitude	Longitude
28°54'05"	95°14'10"
28°56'54"	95°09'18"
28°47'42"	95°02'42"
28°45'58"	95°05'48"
28°54'05"	95°14'10"

(10) *Galveston Entrance Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
27°44'03"	94°26'12"
28°04'48"	94°26'12"
28°07'46"	94°26'12"
29°06'24"	94°26'12"
29°07'42"	94°27'48"
29°18'10"	94°39'16"
29°19'39"	94°41'33"
29°20'44"	94°40'44"
29°19'23"	94°37'08"
29°10'30"	94°22'54"
29°10'17"	94°22'30"
29°09'06"	94°20'36"
28°17'17"	92°57'59"

and rhumb lines joining points at:

Latitude	Longitude
27°44'13"	94°23'57"
29°06'24"	94°23'55"
29°07'41"	94°22'23"
28°11'57"	92°53'25"

(11) *Galveston Entrance Anchorage Area.* The areas enclosed by rhumb lines joining points at:

Latitude	Longitude
29°18'10"	94°39'18"
29°08'04"	94°28'12"
29°03'13"	94°36'48"
29°14'48"	94°45'12"
29°18'10"	94°39'18"

and rhumb lines joining points at:

Latitude	Longitude
29°19'23"	94°37'08"
29°22'18"	94°32'00"
29°14'23"	94°25'53"
29°13'24"	94°27'33"
29°19'23"	94°37'08"

(12) *Sabine Pass Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
29°38'25"	93°50'02"
29°35'19"	93°49'10"
29°33'00"	93°46'26"
29°32'03"	93°46'44"
29°30'39"	93°43'41"
29°28'30"	93°41'09"
29°07'28"	93°41'08"
28°17'17"	92°57'59"
28°11'57"	92°53'25"
27°51'58"	92°36'20"

and rhumb lines joining points at:

Latitude	Longitude
29°38'48"	93°48'59"
29°37'32"	93°48'02"
27°36'28"	93°47'14"
29°32'52"	93°43'00"
29°31'13"	93°41'04"
29°29'20"	93°38'51"
29°08'08"	93°38'52"
28°39'02"	93°13'39"
28°36'15"	93°11'15"
27°52'09"	92°33'40"

(13) *Sabine Pass Anchorage Areas*—(i) *Sabine Pass Inshore Anchorage Area*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°37'32" N.	93°48'02" W.
29°37'32" N.	93°21'25" W.
29°32'52" N.	93°43'00" W.
29°36'28" N.	93°47'14" W.

(ii) *Sabine Bank Offshore (North) Anchorage Area*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°26'06" N.	93°43'00" W.
29°26'06" N.	93°41'08" W.
29°24'06" N.	93°41'08" W.
29°24'06" N.	93°43'00" W.

(iii) *Sabine Bank Offshore (South) Anchorage Area*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°16'55" N.	93°43'00" W.
29°16'55" N.	93°41'08" W.
29°14'29" N.	93°41'08" W.
29°14'29" N.	93°43'00" W.

(14) *Coastwise Safety Fairways*. (i) *Brazos Santiago Pass to Aransas Pass*. The areas between rhumb lines joining points at:

Latitude	Longitude
28°04'12"	96°59'30"
28°09'00"	96°59'30"
27°46'26"	96°57'40"

and rhumb lines joining points at:

Latitude	Longitude
25°58'54"	96°57'24"
26°02'06"	96°57'24"
26°04'00"	96°57'24"
27°40'36"	96°55'30"
27°43'00"	96°55'27"
27°45'14"	96°55'26"

(ii) *Aransas Pass to Calcasieu Pass*. The areas between rhumb lines joining points at:

Latitude	Longitude
27°43'00"	496°55'27"
27°44'09"	96°53'25"
27°45'22"	96°51'19"
27°51'46"	96°40'12"
28°11'24"	96°06'06"
28°12'30"	96°04'12"
28°42'24"	95°12'00"
28°44'52"	95°07'43"
28°45'56"	95°05'48"
28°47'42"	95°02'42"
29°07'42"	94°27'48"
29°10'17"	94°22'30"
29°29'30"	93°58'24"
29°32'03"	93°48'44"
29°33'00"	93°46'28"
29°32'52"	93°43'00"
29°37'32"	93°21'25"

with rhumb lines joining points at:

Latitude	Longitude
27°40'36"	96°55'30"
27°42'47"	96°51'39"
27°44'38"	96°48'31"
28°10'08"	96°04'42"
28°11'13"	96°02'46"
28°43'32"	95°06'18"
28°44'38"	95°04'22"
29°06'24"	94°26'12"
29°06'24"	94°23'55"
29°07'41"	94°22'23"
29°09'06"	94°20'36"
29°27'40"	93°57'18"
29°30'39"	93°43'41"
29°31'13"	93°41'04"
29°33'56"	93°26'35"
29°32'57"	93°17'00"

(15) *Calcasieu Pass Safety Fairway*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°45'00"	93°20'58"
29°40'56"	93°20'18"
29°38'18"	93°20'42"
29°37'32"	93°21'25"
29°32'57"	93°17'00"
29°31'08"	93°14'38"
28°39'02"	93°13'39"

and rhumb lines joining points at:

Latitude	Longitude
29°45'05"	93°20'03"
29°41'12"	93°19'37"
29°37'30"	93°18'15"
29°31'16"	93°12'16"
28°36'15"	93°11'15"

(16) *Calcasieu Pass Anchorage Areas*—(i) *Calcasieu Pass North Anchorage Area*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°41'12" N.	93°19'37" W.
29°41'12" N.	93°12'28" W.
29°31'16" N.	93°12'16" W.
29°37'30" N.	93°18'15" W.

(ii) *Calcasieu Pass South Anchorage Area*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°56'30" N.	93°16'30" W.
28°59'30" N.	93°14'00" W.
28°56'00" N.	93°14'00" W.

Latitude	Longitude
28°56'00" N.	93°16'30" W.

(17) *Lower Mud Lake Safety Fairway*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
29°43'24" N.	93°00'18" W.
29°42'00" N.	93°00'18" W.

and rhumb lines joining points at:

Latitude	Longitude
29°43'33" N.	93°00'48" W.
29°42'00" N.	93°00'48" W.

(18) *Freshwater Bayou Safety Fairway*. The area between lines joining points at:

Latitude	Longitude
29°31'59"	92°18'45"
29°31'10"	92°18'54"
29°31'13"	92°19'14"
29°27'44"	92°19'53"

and a line joining points at:

Latitude	Longitude
29°27'34"	92°18'45"
29°31'03"	92°18'06"
29°31'06"	92°18'26"
29°31'55"	92°18'17"

(19) *Southwest Pass Safety Fairway*. The area between lines joining points at:

Latitude	Longitude
29°34'48"	92°03'12"
29°30'48"	92°07'00"
29°23'30"	92°08'24"

and lines joining points at:

Latitude	Longitude
29°34'24"	92°02'24"
29°30'24"	92°06'12"
29°23'24"	92°07'30"

(20) *Atchafalaya Pass Safety Fairway*. The area between a line joining points at:

Latitude	Longitude
29°22'36"	91°23'28"
29°14'42"	91°30'28"

and a line joining points at:

Latitude	Longitude
29°14'05"	91°29'34"
29°21'59"	91°22'34"

(21) *Bayou Grand Caillou Safety Fairway*. The area between a line joining points at:

Latitude	Longitude
29°10'59"	90°57'26"
29°05'24"	90°53'10"
29°01'08"	91°00'44"

and a line joining points at:

Latitude	Longitude
29°00'40"	90°59'43"
29°05'06"	90°57'03"
29°09'46"	90°56'27"

(22) *Cat Island Pass Safety Fairway*. The area between lines joining points at:

Latitude	Longitude
29°05'57"	90°34'32"
29°04'56"	90°35'09"
29°03'14"	90°35'10"
29°03'14"	90°35'17"
29°01'24"	90°34'55"

and lines joining points at:

Latitude	Longitude
29°06'00"	90°34'21"
29°05'31"	90°34'12"
29°03'13"	90°34'13"
29°03'13"	90°34'07"
29°01'34"	90°33'47"

(23) *Belle Pass Safety Fairway*. The area between a line joining points at:

Latitude	Longitude
29°05'06"	90°14'07"
29°02'50"	90°14'46"

and a line joining points at:

Latitude	Longitude
29°02'56"	90°13'48"
29°05'06"	90°13'10"

(24) *Barataria Pass Safety Fairway*. The area between a line joining points at:

Latitude	Longitude
29°16'00"	89°57'00"
29°14'54"	89°55'48"

and a line joining points at:

Latitude	Longitude
29°16'30"	89°56'06"
29°15'18"	89°55'00"

(25) *Grand Bayou Pass Safety Fairway*. The areas between a line joining points at:

Latitude	Longitude
29°17'36"	89°41'36"
29°16'48"	89°42'12"

and a line joining points at:

Latitude	Longitude
29°17'18"	89°40'36"
29°16'18"	89°41'18"

(26) *Empire to the Gulf Safety Fairway*. The area between a line joining points at:

Latitude	Longitude
29°15'22"	89°36'55"
29°13'52"	89°37'15"

and a line joining points at:

Latitude	Longitude
29°13'24"	89°36'11"
29°14'54"	89°35'51"

(27) *Gulf Safety Fairway, Aransas Pass Safety Fairway to Southwest Pass Safety Fairway*. The areas between rhumb lines joining points at:

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Latitude	Longitude
27°39'06"	96°30'21"
27°33'15"	96°28'16"
27°33'33"	96°24'06"
28°00'36"	90°08'18"

and rhumb lines joining points at:

Latitude	Longitude
27°34'50"	96°34'01"
27°34'59"	96°31'56"
27°35'17"	96°27'46"
27°38'02"	95°49'39"
27°38'12"	95°47'19"
27°44'03"	94°26'12"
27°44'13"	94°23'57"
27°51'58"	92°36'20"
27°52'09"	92°33'40"
28°02'32"	90°09'26"

(28) Southwest Pass (Mississippi River) Safety Fairway—(i) Southwest Pass (Mississippi River) to Gulf Safety Fairway. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°54'33" N.	89°26'07" W.
28°52'42" N.	89°27'06" W.
28°50'00" N.	89°27'06" W.
28°02'32" N.	90°09'28" W.

and rhumb lines joining points at:

28°54'18" N.	89°25'46" W.
28°53'30" N.	89°25'18" W.
28°53'30" N.	89°23'48" W.
28°50'40" N.	89°24'48" W.
28°48'48" N.	89°24'48" W.
28°47'24" N.	89°26'30" W.
28°00'36" N.	90°08'18" W.

(ii) Southwest Pass (Mississippi River) to Sea Safety Fairway. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°54'33" N.	89°26'07" W.
28°52'42" N.	89°27'06" W.
28°50'00" N.	89°27'06" W.
28°47'24" N.	89°26'30" W.
28°36'28" N.	89°18'45" W.

and rhumb lines joining points at:

28°54'18" N.	89°25'46" W.
28°53'30" N.	89°25'18" W.
28°53'30" N.	89°23'48" W.

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28°50'40" N.	89°24'48" W.
28°48'48" N.	89°24'48" W.
28°45'06" N.	89°22'12" W.
28°43'27" N.	89°21'01" W.
28°37'54" N.	89°17'06" W.

(iii) Southwest Pass (Mississippi River) to South Pass (Mississippi River) Safety Fairway. The areas between rhumb line joining points at:

Latitude	Longitude
28°45'06"	89°22'12"
28°55'56"	89°03'09"

and rhumb lines joining points at:

Latitude	Longitude
28°43'27"	89°21'01"
28°54'55"	89°00'44"

(29) Southwest Pass (Mississippi River) Anchorage. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°53'30" N.	89°23'48" W.
28°53'30" N.	89°21'48" W.
28°55'06" N.	89°21'48" W.
28°55'06" N.	89°19'18" W.
28°52'41" N.	89°17'36" W.
28°50'40" N.	89°21'14" W.
28°50'40" N.	89°24'48" W.

(30) South Pass (Mississippi River) Safety Fairway. (i) South Pass to Sea Safety Fairway. The areas between rhumb lines joining points at:

Latitude	Longitude
28°59'18"	89°08'30"
28°58'42"	89°07'30"
28°58'09"	89°08'30"
28°55'56"	89°03'09"
28°54'55"	89°00'44"
28°54'15"	88°58'00"

and rhumb lines joining points at:

East jetty light	
28°59'24"	89°08'12"
29°00'09"	89°07'24"
29°00'00"	89°07'00"
28°57'56"	89°02'18"
28°57'18"	89°00'48"
28°56'18"	88°58'29"

East jetty light	
28°55'42"	88°57'06"

(II) *South Pass (Mississippi River) to Mississippi River-Gulf Outlet Channel Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
28°57'18"	89°00'48"
29°04'18"	88°48'31"
29°24'35"	88°57'17"

and rhumb lines joining points at:

Latitude	Longitude
28°56'16"	88°58'29"
29°03'30"	88°45'42"
29°23'06"	88°54'11"
29°26'28"	88°55'39"

(31) *South Pass (Mississippi River) Anchorage.* The areas within rhumb lines joining points at:

Latitude	Longitude
29°06'00"	89°07'00"
29°03'36"	89°02'18"
28°57'56"	89°02'18"

(32) *Mississippi River-Gulf Outlet Safety Fairway.* (I) The areas between rhumb lines joining points at:

Latitude	Longitude
29°42'10"	89°25'49"
29°29'33"	89°07'47"
29°27'14"	89°03'20"
29°24'38"	89°00'00"
29°24'35"	88°57'17"

and rhumb lines joining points at:

Latitude	Longitude
29°42'29"	89°25'31"
29°29'53"	89°07'31"
29°27'01"	89°01'54"
29°26'38"	88°58'43"

(II) *Mississippi River-Gulf Outlet Channel to Mobile Ship Channel Safety Fairway.* The areas within rhumb lines joining points at:

Latitude	Longitude
29°26'38"	88°58'43"
29°29'57"	88°54'48"
29°38'58"	88°44'04"
29°56'43"	88°20'50"
29°58'03"	88°19'05"
30°05'29"	88°09'19"

and rhumb lines joining points at:

Latitude	Longitude
29°26'28"	88°55'39"
29°27'54"	88°53'54"
29°37'32"	88°42'28"
29°55'14"	88°19'15"
29°56'34"	88°17'30"
30°03'50"	88°08'01"
30°05'15"	88°08'05"

(33) *Mississippi River-Gulf Outlet Anchorage.* (I) The areas within rhumb lines joining points at:

Latitude	Longitude
29°27'01"	89°01'54"
29°32'12"	88°55'42"
29°29'57"	88°54'48"
29°26'38"	88°58'43"

(II) The areas within rhumb lines joining points at:

Latitude	Longitude
29°26'28"	88°55'39"
29°27'54"	88°53'54"
29°24'33"	88°52'27"
29°23'06"	88°54'11"

(34) *Gulfport Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude
30°20'54"	89°05'36"
30°13'56"	88°59'42"
30°11'09"	88°59'56"
30°08'45"	88°58'24"
30°05'42"	88°58'24"

and rhumb lines joining points at:

Latitude	Longitude
30°21'27"	89°04'38"
30°14'11"	88°58'29"
30°11'29"	88°58'45"
30°07'42"	88°58'37"

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(35) *Biloxi Safety Fairway*. The area between lines joining points at:

Latitude	Longitude
30°24'08"	88°50'57"
30°23'15"	88°50'22"
30°21'11"	88°47'36"
30°20'13"	88°47'04"
30°15'06"	88°47'06"
30°13'09"	88°47'48"
30°12'23"	88°49'02"

and lines joining points at:

Latitude	Longitude
30°24'27"	88°50'31"
30°23'57"	88°49'31"
30°21'42"	88°46'36"
30°20'25"	88°45'55"
30°14'57"	88°45'57"
30°12'56"	88°46'39"
30°12'00"	88°45'25"

(36) *Ship Island Pass to Horn Island Pass Safety Fairway*. The areas between rhumb line joining points at:

Latitude	Longitude
30°05'42"	88°56'24"
30°06'38"	88°31'26"

and rhumb line joining points at:

Latitude	Longitude
30°07'42"	88°55'37"
30°08'27"	88°36'57"

(37) *Pascagoula Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°20'46"	88°34'39"
30°20'21"	88°34'39"
30°17'00"	88°31'21"
30°12'59"	88°30'53"
30°11'50"	88°32'05"
30°08'27"	88°36'57"
30°06'38"	88°31'26"
29°56'43"	88°20'50"
29°55'14"	88°19'15"
29°20'00"	87°41'47"

and rhumb line joining points at:

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Latitude	Longitude
30°20'30"	88°33'18"
30°18'39"	88°31'25"

and rhumb line joining points at:

Latitude	Longitude
30°20'26"	88°31'25"
30°18'39"	88°31'25"

and rhumb lines joining points at:

Latitude	Longitude
30°19'21"	88°30'12"
30°17'25"	88°30'12"
30°12'46"	88°29'42"
30°11'21"	88°31'00"
30°09'33"	88°29'48"
30°07'30"	88°29'09"
29°58'03"	88°19'05"
29°56'34"	88°17'30"
29°20'48"	87°39'31"

(38) *Horn Island Pass to Mobile Ship Channel Safety Fairway*. The areas between rhumb line joining points at:

Latitude	Longitude
30°09'33"	88°29'48"
30°07'15"	88°06'54"

and rhumb line joining points at:

Latitude	Longitude
30°07'30"	88°29'09"
30°05'29"	88°09'19"

(39) *Mobile Safety Fairway*—(i) *Mobile Ship Channel Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°38'46" N.....	88°03'24" W
30°38'14" N.....	88°02'42" W
30°31'59" N.....	88°02'00" W
30°31'59" N.....	88°04'59" W

and rhumb lines joining points at:

Latitude	Longitude
30°31'00" N.....	88°05'30" W
30°31'00" N.....	88°01'54" W

Latitude	Longitude
30°25'55" N.....	88°01'26" W
30°16'35" N.....	88°02'45" W
30°14'09" N.....	88°03'24" W
87°10'36" N.....	88°03'53" W
30°08'10" N.....	88°04'40" W
30°07'15" N.....	88°06'54" W

and rhumb lines joining points at:

Latitude	Longitude
30°39'55" N.....	88°01'15" W
30°37'06" N.....	88°01'23" W
30°26'11" N.....	88°00'11" W
30°16'18" N.....	88°01'35" W
30°13'52" N.....	88°01'12" W
30°13'14" N.....	88°01'12" W
30°10'36" N.....	88°01'35" W
30°08'04" N.....	88°00'36" W

(ii) *Mobile Ship Channel to Sea Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°05'15".....	88°01'13"
30°03'50".....	88°00'00"
29°25'46".....	87°29'13"

and rhumb line joining points at:

Latitude	Longitude
30°06'17".....	87°59'15"
29°27'00".....	87°27'18"

(iii) *Mobile to Pensacola Safety Fairway*. The areas between rhumb line joining points at:

Latitude	Longitude
30°08'04".....	88°00'36"
30°14'20".....	87°19'05"

and rhumb line joining points at:

Latitude	Longitude
30°06'17".....	87°59'15"
30°12'31".....	87°18'00"

(40) *Mobile Anchorage*. The areas within rhumb lines joining points at:

Latitude	Longitude
30°05'15".....	88°06'05"
30°05'15".....	88°01'13"
30°03'50".....	88°00'00"
30°03'50".....	88°06'01"

(41) *Pensacola Safety Fairway*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°23'41".....	87°14'34"
30°23'06".....	87°13'53"
30°22'54".....	87°13'53"
30°20'47".....	87°15'45"

and rhumb lines joining points at:

Latitude	Longitude
30°18'43".....	87°19'24"
30°15'57".....	87°18'19"
30°14'20".....	87°19'05"
30°12'31".....	87°18'00"
30°10'03".....	87°18'00"
29°37'00".....	87°18'00"

and rhumb lines joining points at:

Latitude	Longitude
30°26'27".....	87°08'28"
30°25'35".....	87°10'30"

and rhumb lines joining points at:

Latitude	Longitude
30°24'36".....	87°07'07"
30°22'57".....	87°09'38"
30°22'36".....	87°11'50"
30°19'21".....	87°14'48"
30°19'52".....	87°17'31"

and rhumb lines joining points at:

Latitude	Longitude
30°19'15".....	87°17'37"
30°16'28".....	87°16'32"
30°14'32".....	87°16'06"
30°12'33".....	87°15'43"
29°42'30".....	87°15'43"

(42) *Pensacola Anchorage*. (i) The area within rhumb lines joining points at:

Latitude	Longitude
30°11'49"	87°22'41"
30°12'31"	87°18'00"
30°10'03"	87°18'00"
30°09'21"	87°22'41"

(ii) The area within rhumb lines joining points at:

Latitude	Longitude
30°16'28"	87°16'32"
30°17'14"	87°11'52"
30°15'14"	87°11'52"
30°14'32"	87°16'06"

(43) *Pensacola to Panama City Safety Fairway*. The area between rhumb lines joining points at:

Latitude	Longitude
30°14'32"	87°16'06"
30°15'14"	87°11'52"
30°18'45"	86°50'00"
30°18'00"	86°20'00"
29°51'30"	85°47'33"

and rhumb lines joining points at:

Latitude	Longitude
30°12'33"	87°15'43"
30°16'44"	86°49'49"
30°18'01"	86°20'57"
29°48'45"	85°47'33"

(44) *Panama City Safety Fairways*. The areas between rhumb lines joining points at:

Latitude	Longitude
30°09'24"	85°40'12"
30°09'21"	85°41'40"
30°07'36"	85°44'20"
30°06'32"	85°47'33"
29°51'30"	85°47'33"
29°48'48"	85°47'33"
29°03'30"	85°47'33"

and rhumb lines joining points at:

Latitude	Longitude
30°08'34"	85°40'18"
30°07'55"	85°41'50"
30°06'49"	85°43'26"
30°04'40"	85°45'15"
29°55'27"	85°45'15"
29°51'20"	85°45'15"
29°49'19"	85°45'15"

Latitude	Longitude
29°00'00"	85°45'15"

(45) *Panama City Anchorage*. The area within rhumb lines joining points at:

Latitude	Longitude
29°55'27"	85°45'15"
29°55'27"	85°42'25"
29°51'39"	85°42'25"
29°51'20"	85°45'15"

(46) *Port St. Joe Fairway to Panama City Fairway*. The area between rhumb lines joining points at:

Latitude	Longitude
29°49'54"	85°19'24"
29°50'59"	85°22'25"
29°53'32"	85°22'25"
29°54'12"	85°24'00"
29°54'12"	85°25'58"
29°52'58"	85°26'43"
29°53'00"	85°29'48"
29°51'39"	85°42'25"
29°51'20"	85°45'15"

and rhumb lines joining points at:

Latitude	Longitude
29°48'22"	85°18'12"
29°47'21"	85°21'00"
29°50'42"	85°23'31"
29°52'51"	85°23'36"
29°53'10"	85°24'18"
29°53'10"	85°25'33"
29°51'57"	85°28'19"
29°51'04"	85°29'00"
29°50'40"	85°32'39"
29°49'19"	85°45'15"

(47) *Port St. Joe Anchorage*. The area within rhumb lines joining points at:

Latitude	Longitude
29°50'40"	85°32'39"
29°51'04"	85°29'00"
29°49'19"	85°30'18"

(48) *Tampa Safety Fairways*. The areas between rhumb lines joining points at:

Latitude	Longitude
27°37'48"	82°45'54"
27°36'48"	82°55'54"
27°36'48"	83°00'00"

Latitude	Longitude
27°36'48"	84°39'10"

and rhumb lines joining points at:

Latitude	Longitude
27°35'54"	82°45'42"
27°34'48"	82°55'54"
27°34'48"	83°00'00"
27°34'48"	84°39'00"

(49) Tampa Anchorages—(i) Eastern Tampa Fairway Anchorage. The area enclosed by rhumb lines [North American Datum of 1927 (NAD-27)] joining points at:

Latitude	Longitude
27°36'48" N.,	83°00'00" W.,
27°39'00" N.,	83°00'00" W.,
27°39'00" N.,	82°55'54" W.,
27°36'48" N.,	82°55'54" W.,

(ii) Western Tampa Fairway Anchorage. The area enclosed by rhumb lines [North American Datum of 1927 (NAD-27)] joining points at:

Latitude	Longitude
27°36'48" N.,	83°05'06" W.,
27°39'00" N.,	83°05'06" W.,
27°39'00" N.,	83°01'00" W.,
27°36'48" N.,	83°01'00" W.,

(50) Charlotte Safety Fairways. The area between rhumb lines joining points at:

Latitude	Longitude
26°41'18"	82°19'00"
25°30'00"	84°22'00"

and rhumb lines joining points at:

Latitude	Longitude
26°40'18"	82°18'26"
26°38'30"	82°19'54"
26°38'00"	82°19'00"
25°28'00"	84°21'30"

(51) Charlotte Anchorage. The area within rhumb lines joining points at:

Latitude	Longitude
26°39'00"	82°19'00"
26°38'12"	82°18'24"
26°37'36"	82°19'18"
26°38'30"	82°19'54"

(52) Louisiana Offshore Oil Port (LOOP) Shipping Safety Fairway to Safety Zone. (i) North of Gulf Safety Fairway. The two mile wide area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°48'36"	89°55'00"
28°48'14"	89°54'17"
28°45'47"	89°54'19"
28°36'06"	89°55'44"
28°18'30"	89°55'15"
28°20'58"	89°53'03"
28°36'09"	89°53'28"
28°49'07"	89°51'30"
28°50'20"	89°53'51"

(ii) South of Gulf Safety Fairway. The two mile wide area enclosed by rhumb lines joining points at:

Latitude	Longitude
28°15'20"	89°55'10"
27°46'29"	89°54'23"
27°46'32"	89°52'08"
28°17'48"	89°52'58"

(53) Heald Bank Cutoff Safety Fairway. The area enclosed by rhumb lines, [North American Datum of 1927 (NAD-27)], joining points at:

Latitude	Longitude
29°57'15" N.....	94°23'55" W
29°51'30" N.....	93°56'30" W
28°46'30" N.....	93°51'45" W
28°58'15" N.....	94°23'55" W

[CGD 81-040, 47 FR 20581, May 13, 1982]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 166.300, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 166.300 Areas along the coast of California.

(a) Purpose. Fairways as described in this section are established to control the erection of structures therein to provide safe vessel routes along the coast of California.

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(b) *Designated Areas*—(1) *Port Hueneme Safety Fairway*. An area one nautical mile in width centered on the alignment of Port Hueneme Entrance Channel and extending seaward from the 30-foot-depth curve for a distance of 1.5 nautical miles, thence turning southerly and widening to 1.5 nautical miles at the 3-mile limit, all between lines joining the following points:

Latitude	Longitude
34°06'30" N	119°15'00" W
34°07'37" N	119°14'25" W
34°08'49" N	119°13'21" W

thence generally along the 30-foot-depth curve to the seaward end of the west entrance jetty; seaward end of the east entrance jetty, thence generally along the 30-foot-depth curve to:

Latitude	Longitude
34°08'21" N	119°12'15" W
34°07'10" N	119°13'20" W
34°05'48" N	119°13'23" W

(2) [Reserved]

[CGD 82-101, 48 FR 49019, Oct. 24, 1983]

§ 166.400 Areas along the coast of Alaska.

(a) *Purpose*. Fairways, as described in this section, are established to control the erection of structures therein to provide safe vessel routes along the coast of Alaska.

(b) *Designated Areas*—(1) *Prince William Sound Safety Fairway*. (i) *Hinchinbrook Entrance Safety Fairway*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
59°59'00" N	145°27'24" W
60°13'18" N	146°38'08" W
60°11'24" N	146°47'00" W
59°55'00" N	145°42'00" W

(ii) *Gulf to Hinchinbrook Safety Fairway* (recommended for inbound vessel traffic). The area enclosed by rhumb lines joining points at:

Latitude	Longitude
59°15'42" N	144°02'07" W
59°59'00" N	145°27'24" W
59°58'00" N	145°32'12" W
59°14'18" N	144°04'53" W

(iii) *Hinchinbrook to Gulf Safety Fairway* (recommended for outbound vessel traffic). The area enclosed by rhumb lines joining points at:

Latitude	Longitude
59°15'41" N	144°23'35" W
59°58'00" N	145°37'39" W
59°55'00" N	145°42'00" W
59°14'19" N	144°26'25" W

(2) *Unimak Pass Safety Fairway*. (i) *East/West Safety Fairway*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
54°25'58" N	165°42'24" W
54°22'50" N	165°08'54" W
54°22'10" N	164°59'29" W
54°07'58" N	162°19'25" W
54°04'02" N	162°20'35" W
54°22'02" N	165°43'38" W

(ii) *North/South Safety Fairway*. The area enclosed by rhumb lines joining points at:

Latitude	Longitude
54°42'28" N	165°18'19" W
54°43'32" N	165°09'41" W
54°22'50" N	165°08'54" W
54°22'10" N	164°59'29" W

[CGD 81-103, 51 FR 43349, Dec. 2, 1986]

§ 166.500 Areas along the Atlantic Coast.

(a) *Purpose*. Fairways, as described in this section are established to control the erection of structures therein to provide safe vessel routes along the Atlantic Coast.

(b) *Designated Areas*—(1) *Off New York Shipping Safety Fairway*. (i) *Ambrose to Nantucket Safety Fairway*. The area enclosed by rhumb lines

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(North American Datum of 1927 (NAD-27)) joining points at:

Latitude	Longitude
40°32'20" N.	73°04'57" W.
40°30'58" N.	72°58'25" W.
40°34'07" N.	70°19'23" W.
40°35'37" N.	70°14'09" W.
40°30'37" N.	70°14'00" W.
40°32'07" N.	70°19'19" W.
40°28'58" N.	72°58'25" W.
40°27'20" N.	73°04'57" W.

(II) *Nantucket to Ambrose Safety Fairway*. The area enclosed by rhumb lines, NAD-27, joining point at:

Latitude	Longitude
28°54'33" N.	89°26'07" W.
40°24'20" N.	73°04'58" W.
40°22'58" N.	72°58'26" W.
40°26'07" N.	70°19'09" W.
40°27'37" N.	70°13'48" W.
40°22'37" N.	70°13'38" W.
40°24'07" N.	70°19'05" W.
40°20'58" N.	72°58'26" W.
40°19'20" N.	73°04'58" W.

[CGD 84-004, 52 FR 33589, Sept. 4, 1987; 52 FR 36348, Sept. 28, 1987]

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

Subpart A—General

Sec.

- 167.1 Purpose.
- 167.3 Geographic coordinates.
- 167.5 Definitions.
- 167.10 Operating rules.
- 167.15 Modification of schemes.

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas (All geographic positions are based on North American Datum of 1927)

ATLANTIC COAST EAST

- 167.150 Off New York Traffic Separation Scheme and Precautionary Areas.
- 167.151 Precautionary areas.
- 167.152 Eastern approach, off Nantucket.
- 167.153 Eastern approach, off Ambrose Light.
- 167.154 South-eastern approach.
- 167.155 Southern approach.

ATLANTIC GULF COAST

167.350 Galveston Bay approach traffic separation scheme and precautionary areas.

AUTHORITY: 33 U.S.C. 1223; 49 CFR 1.46.

SOURCE: CGD 81-080, 48 FR 36456, Aug. 11, 1983, unless otherwise noted.

Subpart A—General

§ 167.1 Purpose.

The purpose of the regulations in this part is to establish and designate traffic separation schemes and precautionary areas to provide access routes for vessels proceeding to and from U.S. ports.

§ 167.3 Geographic coordinates.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33812, Sept. 8, 1987]

§ 167.5 Definitions.

(a) "Traffic separation scheme" (TSS) means a designated routing measure which is aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes.

(b) "Traffic lane" means an area within defined limits in which one-way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

(c) "Separation zone or line" means a zone or line separating the traffic lanes in which ships are proceeding in opposite or nearly opposite directions; or separating a traffic lane from the adjacent sea area; or separating traffic lanes designated for particular classes of ships proceeding in the same direction.

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(d) "Precautionary area" means a routing measure comprising an area within defined limits where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

[CGD 81-080, 48 FR 36456, Aug. 11, 1983; 49 FR 15548, Apr. 19, 1984]

§ 167.10 Operating rules.

The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

§ 167.15 Modification of schemes.

(a) A traffic separation scheme or precautionary area described in this Part may be permanently amended in accordance with 33 U.S.C. 1223 (92 Stat. 1473), and with international agreements.

(b) A traffic separation scheme or precautionary area in this Part may be temporarily adjusted by the Commandant of the Coast Guard in an emergency, or to accommodate operations which would create an undue hazard for vessels using the scheme or which would contravene Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972. Adjustment may be in the form of a temporary traffic lane shift, a temporary suspension of a section of the scheme, a temporary precautionary area overlaying a lane, or other appropriate measure. Adjustments will only be made where, in the judgment of the Coast Guard, there is no reasonable alternative means of conducting an operation and navigation safety will not be jeopardized by the adjustment. Notice of adjustments will be made in the appropriate Notice to Mariners and in the FEDERAL REGISTER. Requests by members of the public for temporary adjustments to traffic separation schemes must be submitted 150 days prior to the time the adjustment is desired. Such Requests, describing the interference that would otherwise occur to a TSS, should be submitted to the District Commander of the Coast Guard District in which the TSS is located.

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Subpart B—Description of Traffic Separation Schemes and Precautionary Areas. (All geographic positions are based on North American Datum of 1927)

ATLANTIC EAST COAST

SOURCE: CGD 84-004, 52 FR 33589, Sept. 4, 1987, unless otherwise noted.

§ 167.150 Off New York Traffic Separation Scheme and Precautionary Areas.

The specific areas in the Off New York Traffic Separation Scheme and Precautionary Areas are described in §§ 167.151, 167.152, 167.153, 167.154, and 167.155 of this chapter.

§ 167.151 Precautionary areas.

(a) A circular precautionary area with a radius of seven miles is established centered upon Ambrose Light in geographical position 40°27.50' N, 73°49.90' W.

(b) A precautionary area is established between the traffic separation scheme "Eastern Approach, off Nantucket" and the traffic separation scheme "In the Approach to Boston, Massachusetts." (1) The precautionary area is bounded to the east by a circle of radius 15.5 miles, centered upon geographical position 40°35.00' N, 69°00.00' W, and is intersected by the traffic separation schemes "In the Approach to Boston, Massachusetts" and "Off New York" at the following geographic positions:

Latitude	Longitude
40°50.33' N	68°57.00' W
40°23.75' N	69°14.63' W

(2) The precautionary area is bounded to the west by a line connecting the two traffic separation schemes between the following geographical positions:

Latitude	Longitude
40°36.75' N	68°15.16' W
40°48.00' N	69°03.33' W

§ 167.152 Eastern approach, off Nantucket.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
40°28.75' N	69°14.83' W
40°27.62' N	70°13.77' W
40°30.62' N	70°14.00' W
40°31.75' N	69°14.97' W

(b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°36.75' N	69°15.17' W
40°35.62' N	70°14.15' W

(c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°22.62' N	70°13.60' W
40°23.75' N	69°14.63' W

§ 167.153 Eastern approach, off Ambrose Light.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
40°24.33' N	73°04.97' W
40°24.20' N	73°11.50' W
40°26.00' N	73°40.93' W
40°27.00' N	73°40.75' W
40°27.20' N	73°11.50' W
40°27.33' N	73°04.95' W

(b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°22.33' N	73°04.95' W
40°22.20' N	73°11.50' W

Latitude	Longitude
40°28.00' N	73°40.73' W

(c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°25.05' N	73°41.32' W
40°19.20' N	73°11.50' W
40°19.33' N	73°04.97' W

§ 167.154 South-eastern approach.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
40°03.10' N	73°17.93' W
40°06.50' N	73°22.73' W
40°22.45' N	73°43.55' W
40°23.20' N	73°42.70' W
40°24.20' N	73°04.58' W
40°08.72' N	73°20.10' W

(b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°08.98' N	73°10.87' W
40°12.42' N	73°15.67' W
40°24.02' N	73°41.97' W

(c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°21.82' N	73°44.55' W
40°02.80' N	73°27.15' W
39°59.43' N	73°22.35' W

§ 167.155 Southern approach.

(a) A separation zone is established bounded by a line connecting the fol-

lowing geographical positions:

Latitude	Longitude
39°45.70' N	73°48.00' W
40°20.63' N	73°48.33' W
40°20.87' N	73°47.07' W
39°45.70' N	73°44.00' W

(b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
39°45.70' N	73°37.70' W
40°21.25' N	73°45.85' W

(c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°20.53' N	73°49.65' W
39°45.70' N	73°54.40' W

NOTE: Use of LORAN C enables masters of appropriately equipped vessels to be informed highly accurately and continuously about the vessel's position in the area covered by this scheme.

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§ 167.350 Galveston Bay approach traffic separation scheme and precautionary areas.

(a) An inshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	Longitude
(1) 29° 18.10' N.	94° 39.20' W.
(2) 29° 16.10' N.	94° 37.00' W.
(3) 29° 18.00' N.	94° 34.90' W.
(4) 29° 19.40' N.	94° 37.10' W.
(5) 29° 19.80' N.	94° 38.10' W.

(b) A traffic separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
(6) 29° 17.13' N.	94° 35.86' W.
(7) 29° 09.55' N.	94° 25.80' W.
(8) 29° 09.41' N.	94° 25.95' W.
(9) 29° 17.00' N.	94° 36.00' W.

(c) A traffic lane for inbound (northwesterly heading) traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
(3) 29° 18.00' N.	94° 34.90' W.
(10) 29° 11.20' N.	94° 24.00' W.

(d) A traffic lane for outbound (southeasterly heading) traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
(2) 29° 16.10' N.	94° 37.00' W.
(11) 29° 07.70' N.	94° 27.80' W.

(e) An offshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	Longitude
(11) 29° 07.70' N.	94° 27.80' W.
(12) 29° 06.40' N.	94° 26.20' W.
(13) 29° 06.40' N.	94° 23.90' W.
(14) 29° 09.10' N.	94° 20.60' W.
(10) 29° 11.20' N.	94° 24.00' W.

NOTE: A pilot boarding area is located in the center of the inshore precautionary area. Due to heavy vessel traffic, mariners are advised not to anchor or linger in the precautionary area except to pick up or disembark a pilot.

[CGD 81-080, 48 FR 36456, Aug. 11, 1983; Redesignated by CGD 84-004, 52 FR 33000, Sept. 4, 1987; CGD 89-019, 54 FR 28000, July 5, 1989; 54 FR 51972, Dec. 19, 1989]

SUBCHAPTERS Q-R—[Reserved]

SUBCHAPTER S—BOATING SAFETY

PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

Subpart A—General

- Sec.
173.1 Purpose.
173.3 Definitions.

Subpart A—General

Subpart B—Numbering

- 173.11 Applicability.
173.13 Exemptions.
173.15 Vessel number required.
173.17 Reciprocity.
173.19 Other numbers prohibited.
173.21 Certificate of number required.
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173.27 Numbers: Display; size; color.
173.29 Notification to issuing authority.
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Subpart C—Casualty and Accident Reporting

- 173.51 Applicability.
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173.55 Report of casualty or accident.
173.57 Casualty or accident report.
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Subpart D—Issue of Certificate of Number

- 173.71 Application for certificate of number.
173.73 Duplicate certificate of number.
173.75 Temporary certificate.
173.77 Validity of certificate of number.
173.79 Expiration of Coast Guard certificate of number.
173.81 Coast Guard forms for numbering and casualty reporting.
173.83 Availability of Coast Guard forms.
173.85 Coast Guard fees.

APPENDIX A—ISSUING AUTHORITIES AND REPORTING AUTHORITIES

AUTHORITY: 46 U.S.C. 6101, 12302; 49 CFR 1.44.

SOURCE: CGD 72-54R, 37 FR 21399, Oct. 7, 1972, unless otherwise noted.

§ 173.1 Purpose.

This part prescribes requirements for numbering vessels and for reporting casualties and accidents to implement sections 6101, 6102, 12301 and 12302 of Title 46, United States Code.

[CGD 89-048, 54 FR 27002, June 27, 1989]

§ 173.3 Definitions.

As used in this part:

(a) [Reserved]
(b) "Issuing authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a number system has not been approved. Issuing authorities are listed in Appendix A of this part.

(c) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(d) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(e) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.

(f) "Reporting authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of this part.

(g) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

(h) "State of principal use" means the State on whose waters a vessel is used or to be used most during a calendar year.

(i) "Use" means operate, navigate, or employ.

§ 173.11

[CGD 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CGD 77-117A, 43 FR 17941, Apr. 27, 1978; CGD 89-048, 54 FR 2702, June 27, 1989]

Subpart B—Numbering

§ 173.11 Applicability.

This subpart applies to each vessel equipped with propulsion machinery of any type used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States except:

(a) Foreign vessels temporarily using waters subject to U.S. jurisdiction;

(b) Military or public vessels of the United States, except recreational-type public vessels;

(c) A vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(d) Ships' lifeboats;

(e) A vessel which has or is required to have a valid marine document as a vessel of the United States.

§ 173.13 Exemptions.

Where the Coast Guard issues numbers, the following classes of vessels are exempt, under Section 12303 of Title 46, United States Code, from the numbering provisions of Sections 12301 and 12302 of Title 46, United States Code, and this part:

(a) A vessel that is used exclusively for racing.

(b) A vessel equipped with propulsion machinery of less than 10 horsepower that:

(1) Is owned by the owner of a vessel for which a valid certificate of number has been issued;

(2) Displays the number of that numbered vessel followed by the suffix "1" in the manner prescribed in § 173.27; and

(3) Is used as a tender for direct transportation between that vessel and the shore and for no other purpose.

§ 173.15 Vessel number required.

(a) Except as provided in § 173.17, no person may use a vessel to which this part applies unless:

(1) It has a number issued on a certificate of number by the issuing authority in the State in which the vessel is principally used; and

(2) The number is displayed as described in § 173.27.

(b) This section does not apply to a vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the State in which the vessel is principally used.

§ 173.17 Reciprocity.

(a) Section 12302(c) of Title 46, United States Code, states:

When a vessel is numbered in a State, it is deemed in compliance with the numbering system of a State in which it temporarily is operated.

(b) Section 12302(d) of Title 46, United States Code, states:

When a vessel is removed to a new State of principal operation, the issuing authority of that State shall recognize the validity of the number issued by the original State for 60 days.

[CGD 89-048, 54 FR 27002, June 27, 1989]

§ 173.19 Other numbers prohibited.

No person may use a vessel to which this part applies that has any number that is not issued by an issuing authority for that vessel on its forward half.

§ 173.21 Certificate of number required.

(a) Except as provided in §§ 173.13 and 173.17, no person may use a vessel to which this part applies unless it has on board:

(1) A valid certificate of number or temporary certificate for that vessel issued by the issuing authority in the State in which the vessel is principally used; or

(2) For the vessel described in paragraph (b) of this section, a copy of the lease or rental agreement, signed by the owner or his authorized representative and by the person leasing or renting the vessel, that contains at least:

(i) The vessel number that appears on the certificate of number; and

(ii) The period of time for which the vessel is leased or rented.

(b) Section 12304(a) of Title 46, United States Code, states in part: The

certificate of number for a vessel less than 26 feet in length and leased or rented to another for the latter's non-commercial operation of less than 7 days may be retained on shore by the vessel's owner or representative at the place from which the vessel departs or returns to the possession of the owner or the owner's representative.

(CGD 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CGD 77-117A, 43 FR 17941, Apr. 27, 1978; CGD 89-048, 54 FR 27002, June 27, 1989)

§ 173.23 Inspection of certificate.

Each person using a vessel to which this part applies shall present the certificate or lease or rental agreement required by § 173.21 to any Federal, State, or local law enforcement officer for inspection at his request.

§ 173.25 Location of certificate of number.

No person may use a vessel to which this part applies unless the certificate or lease or rental agreement required by § 173.21 is carried on board in such a manner that it can be handed to a person authorized under § 173.23 to inspect it.

§ 173.27 Numbers: Display; size; color.

(a) Each number required by § 173.15 must:

(1) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by paragraph (b) or required by paragraph (c) of this section;

(2) Be in plain vertical block characters of not less than 3 inches in height;

(3) Contrast with the color of the background and be distinctly visible and legible;

(4) Have spaces or hyphens that are equal to the width of a letter other than "7" or a number other than "1" between the letter and number groupings (Example: DC 5678 EF or DC-5678-EF); and

(5) Read from left to right.

(b) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(c) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(d) Each number displayed on a tender exempted under § 173.13 must meet the requirements of paragraph (a) of this section and have a space or hyphen that is equal to the width of a letter other than "I" or a number other than "1" between the suffix and the number. (Example: DC 5678 EF 1 or DC-5678-EF-1.)

§ 173.29 Notification to issuing authority.

A person whose name appears as the owner of a vessel on a certificate of number shall, within 15 days, notify the issuing authority in a manner prescribed by the issuing authority of:

(a) Any change in his address;

(b) The theft or recovery of the vessel;

(c) The loss or destruction of a valid certificate of number;

(d) The transfer of all or part of his interest in the vessel; and

(e) The destruction or abandonment of the vessel.

§ 173.31 Surrender of certificate of number.

A person whose name appears as the owner of a vessel on a certificate of number shall surrender the certificate in a manner prescribed by the issuing authority within 15 days after it becomes invalid under paragraph (b), (c), (d), or (e) of § 173.77.

§ 173.33 Removal of number.

The person whose name appears on a certificate of number as the owner of a vessel shall remove the number and validation sticker from the vessel when:

(a) The vessel is documented by the Coast Guard;

(b) The certificate of number is invalid under paragraph (c) of § 173.77; or

(c) The vessel is no longer principally used in the State where the certificate was issued.

§ 173.35 Coast Guard validation sticker.

No person may use a vessel except a vessel exempted in § 173.13 that has a number issued by the Coast Guard unless it has the validation sticker issued with the certificate of number displayed within 6 inches of the number.

Subpart C—Casualty and Accident Reporting

§ 173.51 Applicability.

(a) This subpart applies to each vessel used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States that:

- (1) Is used by its operator for recreational purposes; or
- (2) Is required to be numbered under this part.

(b) This subpart does not apply to a vessel subject to inspection under Title 46 U.S.C. Chapter 33.

[CDG 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CDG 84-099, 52 FR 47533, Dec. 14, 1987]

§ 173.53 Immediate notification of death or disappearance.

(a) When, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel, the operator shall, without delay, by the quickest means available, notify the nearest reporting authority listed in Appendix A of this part of:

- (1) The date, time, and exact location of the occurrence;
- (2) The name of each person who died or disappeared;
- (3) The number and name of the vessel; and
- (4) The names and addresses of the owner and operator.

(b) When the operator of a vessel cannot give the notice required by paragraph (a) of this section, each person on board the vessel shall notify the casualty reporting authority or determine that the notice has been given.

§ 173.55 Report of casualty or accident.

(a) The operator of a vessel shall submit the casualty or accident report prescribed in § 173.57 to the reporting authority prescribed in § 173.59 when, as a result of an occurrence that involves the vessel or its equipment:

- (1) A person dies;
- (2) A person is injured and requires medical treatment beyond first aid;
- (3) Damage to the vessel and other property totals more than \$500 or there is a complete loss of the vessel; or
- (4) A person disappears from the vessel under circumstances that indicate death or injury.

(b) A report required by this section must be made:

- (1) Within 48 hours of the occurrence if a person dies within 24 hours of the occurrence;
- (2) Within 48 hours of the occurrence if a person is injured and requires medical treatment beyond first aid, or disappears from a vessel; and
- (3) Within 10 days of the occurrence or death if an earlier report is not required by this paragraph.

(c) When the operator of a vessel cannot submit the casualty or accident report required by paragraph (a) of this section, the owner shall submit the casualty or accident report.

[CGD 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CGD 76-155, 44 FR 5308, Jan. 25, 1979; CGD 82-015, 54 FR 5610, Feb. 4, 1989]

§ 173.57 Casualty or accident report.

Each report required by § 173.55 must be in writing, dated upon completion, and signed by the person who prepared it and must contain, if available, at least the following information about the casualty or accident:

- (a) The numbers and names of each vessel involved.
- (b) The name and address of each owner of each vessel involved.
- (c) The name of the nearest city or town, the county, the State, and the body of water.
- (d) The time and date the casualty or accident occurred.
- (e) The location on the water.
- (f) The visibility, weather, and water conditions.

(g) The estimated air and water temperatures.

(h) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report.

(i) The name and address of each operator of each vessel involved.

(j) The number of persons on board or towed on skis by each vessel.

(k) The name, address, and date of birth of each person injured or killed.

(l) The cause of each death.

(m) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

(n) The name and address of each owner of property involved.

(o) The availability and use of personal flotation devices.

(p) The type and amount of each fire extinguisher used.

(q) The nature and extent of each injury.

(r) A description of all property damage and vessel damage with an estimate of the cost of all repairs.

(s) A description of each equipment failure that caused or contributed to the cause of the casualty.

(t) A description of the vessel casualty or accident.

(u) The type of vessel operation (cruising, drifting, fishing, hunting, racing, or other), and the type of accident (capsizing, sinking, fire, or explosion or other).

(v) The opinion of the person making the report as to the cause of the casualty, including whether or not alcohol or drugs, or both, was a cause contributed to causing the casualty.

(w) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel.

(x) The name, address, and telephone number of each witness.

(y) The manufacturer's hull identification number, if any, of the reporting operator's vessel.

(z) The name, address, and telephone number of the person submitting the report.

[CGD 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CGD 84-099, 52 FR 47533, Dec. 14, 1987]

§ 173.59 Where to report.

A report required by § 173.55 must be submitted to:

(a) The reporting authority listed in Appendix A of this part where the vessel number was issued, or, if the vessel has no number, where the vessel is principally used; or

(b) The reporting authority where the casualty or accident occurred, if it occurred outside the State where the vessel is numbered or principally used.

Subpart D—Issue of Certificate of Number

§ 173.71 Application for certificate of number.

Any person who is the owner of a vessel to which § 173.11 applies may apply for a certificate of number for that vessel by submitting to the issuing authority, listed in Appendix A of this part, where the vessel will principally be used:

(a) An application on a form and in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority.

§ 173.73 Duplicate certificate of number.

If a certificate of number is lost or destroyed, the person whose name appears on the certificate as the owner may apply for a duplicate certificate by submitting to the issuing authority that issued the certificate:

(a) An application on a form or in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority, if any.

§ 173.75 Temporary certificate.

A temporary certificate valid for not more than 60 days after it is issued may be issued by an issuing authority pending the issue of a certificate of number. A temporary certificate is not valid after the date that the owner re-

§ 173.77

ceives the certificate of number from the issuing authority.

§ 173.77 Validity of certificate of number.

(a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, a certificate of number is valid until the date of expiration prescribed by the issuing authority.

(b) A certificate of number issued by an issuing authority is invalid after the date upon which:

(1) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations;

(2) The person whose name appears on the certificate of number as owner of the vessel transfer all of his ownership in the vessel; or

(3) The vessel is destroyed or abandoned.

(c) A certificate of number issued by an issuing authority is invalid if:

(1) The application for the certificate of number contains a false or fraudulent statement; or

(2) The fees for the issuance of the certificate of number are not paid.

(d) A certificate of number is invalid 60 days after the day on which the vessel is no longer principally used in the State where the certificate was issued.

(e) The certificate of number is invalid when the person whose name appears on the certificate involuntarily loses his interest in the numbered vessel by legal process.

§ 173.79 Expiration of Coast Guard certificate of number.

A certificate of number issued by the Coast Guard expires 3 years from the date it is issued.

§ 173.81 Coast Guard forms for numbering and casualty reporting.

(a) In a State where the Coast Guard is the issuing authority, the following Coast Guard forms must be used:

(1) Each application for a certificate of number or renewal must be made on two-part Form CG-3876 and 3876A, Application for Number and Temporary Certificate.

(2) Each notification required by § 173.29(b) must be made on Form

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CG- 2921, Notification of Change in Status of Vessel.

(3) Each notification required by § 173.29(a) must be made on Form CG- 3920, Change of Address Notice.

(4) Each notification required by § 173.29(c) must be made in writing.

(5) Each application for a duplicate certificate of number must be made on two-part Form CG-3919 and CG-3919A, Application for Duplicate Certificate of Number and Temporary Duplicate Certificate.

(6) Each vessel casualty required to be reported by § 173.55 must be made on Form CG-3865.

(b) Each surrender of a certificate of number required by § 173.31 may be made in any form but must contain a written statement as to why the certificate is being surrendered.

§ 173.83 Availability of Coast Guard forms.

In a State where the Coast Guard is the issuing authority, forms required by § 173.81 are available at all manned Coast Guard shore units, except light and loran stations and except for Form CG-3865, at all first- and second-class and some third- and fourth-class post offices.

§ 173.85 Coast Guard fees.

(a) In a State where the Coast Guard is the issuing authority the fees for numbering are:

(1) Original number and two validation stickers—\$6;

(2) Renewal of number and two validation stickers—\$6;

(3) Duplicate certificate of number—\$1; and

(4) Replacement of lost or destroyed validation sticker—\$0.25 each.

(b) Fees must be paid by check or money order made payable to the "U.S. Coast Guard," except when the application is made in person by the owner, the fee may be paid in cash.

APPENDIX A—ISSUING AUTHORITIES AND REPORTING AUTHORITIES

(a) The State is the issuing authority and reporting authority in:

STATE

Alabama—AL.	Montana—MT.
American Samoa—AS.	Nebraska—NB.
Arizona—AZ.	Nevada—NV.
Arkansas—AR.	New Hampshire—NH.
California—CF.	New Jersey—NJ.
Colorado—CL.	New Mexico—NM.
Connecticut—CT.	New York—NY.
Delaware—DL.	North Carolina—NC.
District of Columbia—DC.	North Dakota—ND.
Florida—FL.	Ohio—OH.
Georgia—GA.	Oklahoma—OK.
Guam—GM.	Oregon—OR.
Hawaii—HA.	Pennsylvania—PA.
Idaho—ID.	Puerto Rico—PR.
Illinois—IL.	Rhode Island—RI.
Indiana—IN.	South Carolina—SC.
Iowa—IA.	South Dakota—SD.
Kansas—KA.	Tennessee—TN.
Kentucky—KY.	Texas—TX.
Louisiana—LA.	Utah—UT.
Maine—ME.	Vermont—VT.
Maryland—MD.	Virginia—VA.
Massachusetts—MS.	Virgin Islands—VI.
Michigan—MC.	Washington—WN.
Minnesota—MN.	West Virginia—WV.
Mississippi—MI.	Wisconsin—WS.
Missouri—MO.	Wyoming—WY.

(b) The Coast Guard is the issuing authority and reporting authority in:

STATE

Alaska—AK.

(c) The abbreviations following the names of the State listed in paragraphs (a) and (b) are the two capital letters that must be used in the number format to denote the State of principal use as prescribed in § 174.23 of this chapter.

[CGD 72-54R, 37 FR 21399, Oct. 7, 1972, as amended by CGD 76-076, 41 FR 23401, June 10, 1976; CGD 89-048, 54 FR 27002, June 27, 1989]

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

Subpart A—General

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- 174.1 Applicability.
 - 174.3 Definitions.
 - 174.5 Requirements for approval.
 - 174.7 Approval procedure.

Subpart B—Numbering System Requirements

- 174.11 Applicability of State numbering system.
- 174.13 Owner or operator requirements.

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- 174.14 State numbering system optional sections.
- 174.15 Validation stickers.
- 174.17 Contents of application for certificate of number.
- 174.19 Contents of a certificate of number.
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- 174.23 Form of number.
- 174.25 Size of certificate of number.
- 174.27 Duration of certificate of number.
- 174.29 Temporary certificate of number.
- 174.31 Terms and conditions for vessel numbering.

Subpart C—Casualty Reporting System Requirements

- 174.101 Applicability of State casualty reporting system.
- 174.103 Administration.
- 174.105 Owner or operator casualty reporting requirements.
- 174.106 State casualty reporting system optional sections.
- 174.107 Contents of casualty or accident report form.

Subpart D—State Reports

- 174.121 Forwarding of casualty or accident reports.
- 174.123 Annual report of numbered vessels.
- 174.125 Coast Guard address.

AUTHORITY: 46 U.S.C. 6101, 12302; 49 CFR 1.46.

SOURCE: CGD 72-54R, 37 FR 21402, Oct. 7, 1972, unless otherwise noted.

Subpart A—General

§ 174.1 Applicability.

This part establishes a standard numbering system for vessels and a uniform vessel casualty reporting system for vessels by prescribing requirements applicable to the States for the approval of State numbering systems.

§ 174.3 Definitions.

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.).

(b) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(c) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable inter-

est therein which entitles him to such possession.

(d) "Reporting authority" means a State where a numbering system has been approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of Part 173 of this chapter.

§ 174.5 Requirements for approval.

The Commandant approves a State numbering system if he finds, after examination of the information submitted by a State, that the State numbering system and vessel casualty reporting system meet the requirements in this part and the provisions of sections 18 through 24 and section 37 of the Act relating to numbering and casualty reporting.

§ 174.7 Approval procedure.

To obtain approval by the Commandant of a numbering system or of any revision to a numbering system, an authorized representative of the State must submit three copies of the State laws, regulations, forms, and policy statements, if any, that pertain to the numbering system or revision to U.S. Coast Guard Auxiliary, Boating and Consumer Affairs Division, 2100 Second Street SW., Washington, DC 20593-0001.

[CGD 72-54R, 37 FR 21402, Oct. 7, 1972, as amended by CGD 82-010, 48 FR 8273, Feb. 28, 1983; CGD 88-052, 53 FR 25122, July 1, 1988]

Subpart B—Numbering System Requirements

§ 174.11 Applicability of State numbering system.

(a) Except as allowed in paragraph (c) of this section, a State numbering system must require the numbering of vessels to which § 173.11 of this chapter applies.

(b) A State numbering system may require the numbering of any vessel subject to the jurisdiction of the State unless prohibited by the regulations in Part 173 of this chapter.

(c) A State numbering system may exempt from its numbering require-

ments any vessel or class of vessels to which § 173.13 of this chapter applies.

§ 174.13 Owner or operator requirements.

A State numbering system must contain the requirements applicable to an owner or a person operating a vessel that are prescribed in the following sections of Part 173:

(a) Paragraph (a) of § 173.15 *Vessel number required.*

(b) Section 173.19 *Other numbers prohibited.*

(c) Paragraph (a) of § 173.21 *Certificate of number required.*

(d) Section 173.23 *Inspection of certificate.*

(e) Section 173.25 *Location of certificate of number.*

(f) Section 173.29 *Notification of issuing authority.*

(g) Section 173.71 *Application for certificate of number.*

(h) Section 173.73 *Duplicate certificate of number.*

(i) Section 173.77 *Validity of certificate of number.*

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(n)(1))

[CGD 77-117, 44 FR 42195, July 19, 1979]

§ 174.14 State numbering system optional sections.

In addition to the requirements in § 174.13, a State numbering system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(n)(1))

[CGD 77-117, 44 FR 42195, July 19, 1979]

§ 174.15 Validation stickers.

(a) If a State issues validation stickers, its numbering system must contain the requirements that stickers must be displayed within 6 inches of the number and the stickers must meet the requirements in paragraphs (b) and (c) of this section.

(b) Validation stickers must be approximately 3 inches square.

(c) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation be-

ginning with blue for stickers that expire in 1973.

§ 174.17 Contents of application for certificate of number.

(a) Each form for application for a certificate of number must contain the following information:

- (1) Name of the owner.
- (2) Address of the owner, including ZIP code.
- (3)-(4) [Reserved]
- (5) State in which vessel is or will be principally used.
- (6) The number previously issued by an issuing authority for the vessel, if any.
- (7) Whether the application is for a new number, renewal of a number, or transfer of ownership.
- (8) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use.
- (9) Make of vessel.
- (10) Year vessel was manufactured or model year.
- (11) Manufacturer's hull identification number, if any.
- (12) Overall length of vessel.
- (13) Type of vessel (open, cabin, house, or other).
- (14) Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other.
- (15) Whether the propulsion is inboard, outboard, inboard-outdrive, sail or other.
- (16) Whether the fuel is gasoline, diesel, or other.
- (17) The signature of the owner.

(b) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit items 9 through 16 of paragraph (a) of this section.

(c) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit items 15 and 16 of paragraph (a) of this section.

(CGD 79-087, 47 FR 8176, Feb. 25, 1982)

§ 174.19 Contents of a certificate of number.

(a) Except as allowed in paragraphs (b), (c), and (d) of this section, each

certificate of number must contain the following information:

- (1) Number issued to the vessel.
- (2) Expiration date of the certificate.
- (3) State of principal use.
- (4) Name of the owner.
- (5) Address of owner, including ZIP code.
- (6) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.
- (7) Manufacturer's hull identification number (if any).
- (8) Make of vessel.
- (9) Year vessel was manufactured.
- (10) Overall length of vessel.
- (11) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.
- (12) Hull material.
- (13) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.
- (14) Whether the fuel is gasoline, diesel, or other.

(b) A certificate of number issued to a vessel that has a manufacturer's hull identification number assigned, may omit items 8 through 14 of paragraph (a) of this section if the manufacturer's hull identification number is plainly marked on the certificate.

(c) A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit items 7 through 14 of paragraph (a) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(d) A certificate of number issued to a vessel that is to be rented or leased without propulsion machinery may omit items 13 and 14 of paragraph (a) of this section if the words "livery vessel" are plainly marked on the certificate.

(e) An issuing authority may print on the certificate of number a quotation of the State regulations pertaining to change of ownership or address, documentation, loss, discovery of vessel, carriage of the certificate of number on board when the vessel is in use, rendering aid in a boat accident, and reporting of vessel casualties and accidents.

§ 174.21

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(n)(1))
[CGD 72-54R, 37 FR 21402, Oct. 7, 1972, as amended by CGD 77-117, 44 FR 42195, July 19, 1979]

§ 174.21 Contents of temporary certificate.

A temporary certificate issued pending the issuance of a certificate of number must contain the following information:

- (a) Make of vessel.
- (b) Length of vessel.
- (c) Type of propulsion.
- (d) State in which vessel is principally used.
- (e) Name of owner.
- (f) Address of owner, including ZIP code.
- (g) Signature of owner.
- (h) Date of issuance.
- (i) Notice to the owner that the temporary certificate is invalid after 60 days from the date of issuance.

§ 174.23 Form of number.

(a) Each number must consist of two capital letters denoting the State of the issuing authority, as specified in Appendix A of Part 173 of this chapter, followed by—

(1) Not more than four numerals followed by not more than two capital letters (example: NH 1234 BD); or

(2) Not more than three numerals followed by not more than three capital letters (example: WN 567 EFG).

(b) A number suffix must not include the letters "I", "O", or "Q," which may be mistaken for numerals.

§ 174.25 Size of certificate of number.

Each certificate of number must be approximately 2½ by 3½ inches.

§ 174.27 Duration of certificate of number.

A certificate of number must not be valid for more than 3 years.

§ 174.29 Temporary certificate of number.

A State may issue a temporary certificate of number that is effective for not more than 60 days.

§ 174.31 Terms and conditions for vessel numbering.

A State numbering system may condition the issuance of a certificate of number on—

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(a) Title to, or other proof of ownership of a vessel except a recreational-type public vessel of the United States; or

(b) The payment of State or local taxes, except for a recreational-type public vessel of the United States.

Subpart C—Casualty Reporting System Requirements

§ 174.101 Applicability of State casualty reporting system.

(a) A State casualty reporting system must require the reporting of vessel casualties and accidents involving vessels to which § 173.51 of this chapter applies.

(b) The State casualty reporting system may also require vessel casualty or accident reports for property damage in amounts less than that required under § 173.55 of this chapter.

(46 U.S.C. 1486; 49 CFR 1.46(n)(1))

[CGD 72-54R, 37 FR 21402, Oct. 7, 1972, as amended by CGD 76-155, 44 FR 5309, Mar. 25, 1979; CGD 82-015, 54 FR 5610, Feb. 6, 1989]

§ 174.103 Administration.

The State casualty reporting system must be administered by a State agency that—

(a) Will provide for the reporting of all casualties and accidents prescribed in § 173.55 of this chapter;

(b) Receives reports of vessel casualties or accidents required in § 174.101;

(c) Reviews each accident and casualty report to assure the accuracy and completeness of each report;

(d) Determines the cause of casualties and accidents reported based on information available and indicates the apparent cause on the casualty report or on an attached page;

(e) Notifies the Coast Guard, in writing, when a problem area in boating safety peculiar to the State is determined, together, with corrective measures instituted or recommended; and

(f) Reports on vessel numbering and vessel casualties and accidents as required in Subpart D of this part.

(46 U.S.C. 1486; 49 CFR 1.46(n)(1))

[CGD 72-54R, 37 FR 21402, Oct. 7, 1972, as amended by CGD 76-155, 44 FR 5309, Mar. 25, 1979]

§ 174.105 Owner or operator casualty reporting requirements.

A State casualty reporting system must contain the following requirements of Part 173 applicable to an owner or a person operating a vessel:

(a) Section 173.55 *Report of casualty or accident.*

(b) Section 173.57 *Casualty or accident report.*

(c) Section 173.59 *Where to report.*

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46 (n)(1))

[CGD 77-117, 44 FR 42195, July 19, 1979]

§ 174.106 State casualty reporting system optional sections.

In addition to the requirements in § 174.105, a State casualty reporting system may contain any of the other requirements applicable to a boat owner or operator prescribed in Part 173.

(46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46 (n)(1))

[CGD 77-117, 44 FR 42195, July 19, 1979]

§ 174.107 Contents of casualty or accident report form.

Each form for reporting a vessel casualty or accident must contain the information required in § 173.57 of this chapter.

Subpart D—State Reports

§ 174.121 Forwarding of casualty or accident reports.

Within 30 days of the receipt of a casualty or accident report, each state that has an approved numbering system must forward a copy of that report to the Commander of the Coast Guard District in which the state capitol is located, except that Ohio and Minnesota must forward reports to Commander, Ninth Coast Guard District, Cleveland, Ohio.

[CGD 87-008b, 52 FR 25219, July 6, 1987]

§ 174.123 Annual report of numbered vessels.

Before March 1 of each year, each State that has an approved numbering

system must prepare and submit Coast Guard Form CGHQ-3923, Report of Certificates of Number Issued to Boats, to the Coast Guard.

§ 174.125 Coast Guard address.

The report required by § 174.123 must be sent to the U.S. Coast Guard Auxiliary, Boating, and Consumer Affairs Division, 2100 Second Street SW., Washington, DC 20593-0001.

[CGD 88-052, 53 FR 25122, July 1, 1988]

PART 175—EQUIPMENT REQUIREMENTS

Subpart A—General

Sec.

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Subpart D—Ventilation

175.201 Ventilation.

AUTHORITY: 46 U.S.C. 4302; 49 CFR 1.43.

SOURCE: CGD 72-120R, 38 FR 8115, Mar. 28, 1973, unless otherwise noted.

Subpart A—General

§ 175.1 Applicability.

This part prescribes rules governing the use of boats on waters subject to the jurisdiction of the United States and on the high seas beyond the terri-

torial seas for boats owned in the United States except:

- (a) Foreign boats temporarily using waters subject to U.S. jurisdiction;
- (b) Military or public boats of the United States, except recreational-type public vessels;
- (c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;
- (d) Ship's lifeboats.

§ 175.3 Definitions.

As used in this part:

- (a) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.
- (b) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.
- (c) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.
- (d) "Use" means operate, navigate, or employ.
- (e) "Passenger" means every person carried on board a vessel other than:
 - (1) The owner or his representative;
 - (2) The operator;
 - (3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or
 - (4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.
- (f) "Racing shell, and racing scull, and racing kayak" means a manually propelled boat that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any

equipment not solely for competitive racing.

Subpart B—Personal Flotation Devices

§ 175.11 Applicability.

This subpart applies to all recreational boats that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel except racing shells, rowing sculls, and racing kayaks.

§ 175.13 Definitions.

As used in this subpart:

- (a) "Personal flotation device" means a device that is approved by the Commandant under 46 CFR Part 160.
- (b) "PFD" means "personal flotation device".

§ 175.15 Personal flotation devices required.

(a) Except as provided in § 175.17, no person may use a recreational boat less than 16 feet in length or a canoe or kayak unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

- (1) Type I PFD.
- (2) Type II PFD.
- (3) Type III PFD.
- (4) Type IV PFD.

(b) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

- (1) Type I PFD.
- (2) Type II PFD.
- (3) Type III PFD.

(c) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one type IV PFD or its equivalent listed in Table 175.23 is on board in addition to the PFD's required in paragraph (b) of this section.

§ 175.17 Exceptions.

(a) Before October 1, 1977, a person using a kayak or canoe that is enclosed by a deck and spray skirt need not comply with § 175.15(a) if he wears a vest-type lifesaving device that:

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 13 pounds of positive buoyancy in fresh water; if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 10 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ pounds of positive buoyancy in fresh water, if worn by a person who weighs 90 pounds or less.

(b) A type V PFD may be carried in lieu of any PFD required in § 175.15 if that type V PFD is approved for the activity in which the recreational boat is being used.

(c) A recreational hybrid PFD may be carried in lieu of another approved PFD. For persons not within an enclosed space, a hybrid PFD will be accepted as meeting Coast Guard carriage requirements only if worn when the boat is underway. It must also be used in accordance with the conditions marked on the PFD and in the owner's manual. The hybrid PFD must be approved and labeled for use on recreational boats.

[CGD 72-54R, 37 FR 21402, Oct. 7, 1972 as amended by CGD 74-159, 41 FR 23954, June 14, 1976; CGD 78-174A, 51 FR 4340, Feb. 4, 1986]

§ 175.19 Stowage.

(a) No person may use a recreational boat unless each type I, type II, type III, or type V PFD required by § 175.15 or § 175.17 is readily accessible.

(b) No person may use a recreational boat unless each type IV PFD required by § 175.15 is immediately available.

§ 175.21 Conditions: Approval; marking.

No person may use a recreational boat unless each device required by § 175.15, or each device allowed by § 175.17, is:

- In serviceable condition;
- Legibly marked with the approval number as specified in 46 CFR Part 160 for items subject to approval; and
- Of an appropriate size for the person for whom it is intended.

§ 175.23 Personal flotation device equivalents.

Table 175.23 lists devices that are equivalent to personal flotation devices.

TABLE 175.23

Devices marked—	Are equivalent to performance type
160.002 Life preserver.....	Type I personal flotation device.
160.003 Life preserver.....	Do.
160.004 Life preserver.....	Do.
160.005 Life preserver.....	Do.
160.009 Ring life buoy ¹	Type IV personal flotation device.
160.047 Buoyant vest.....	Type II personal flotation device.
160.048 Buoyant cushion.....	Type IV personal flotation device.
160.040 Buoyant cushion.....	Do.
160.050 Ring life buoy.....	Do.
160.052 Buoyant vest.....	Type II personal flotation device.
160.053 Work vest.....	Type V personal flotation device.
160.055 Life preserver.....	Type I personal flotation device.
160.060 Buoyant vest.....	Type II personal flotation device.
160.064 Special purpose water safety buoyant devices.	A device intended to be worn may be equivalent to type II or type III. A device that is equivalent to type III is marked "Type III Device—may not turn unconscious wearer". A device intended to be grasped is equivalent to type IV.

¹ 46 CFR Subpart 160.009 has been revoked. Type IV PFDs previously approved under that subpart may be used as long as they are in good and serviceable condition.

[CGD 72-120R, 38 FR 8115, Mar. 28, 1973, as amended by CGD 80-155b, 47 FR 10534, Mar. 11, 1982]

Subpart C—Visual Distress Signals

SOURCE: CGD 76-183, 44 FR 73024, Dec. 17, 1979, unless otherwise noted.

§ 175.101 Applicability.

(a) This subpart applies, after 31 December 1980, to boats on the coastal waters of the United States and on the high seas beyond the territorial seas for boats owned in the United States.

§ 175.105 Definitions.

(a) "Visual distress signal" means a device that is approved by the Commandant under 46 CFR Part 160 or

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certified by the manufacturer under 46 CFR Parts 160 and 161.

(b) "Coastal waters" means:

(1) The U.S. waters of the Great Lakes (Lake Erie, Huron, Michigan, Ontario, and Superior);

(2) The territorial seas of the United States; and

(3) Those waters directly connected to the Great Lakes and territorial seas (i.e., bays, sounds, harbors, rivers, inlets, etc.) where any entrance exceeds 2 nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to 2 miles, as shown on the current edition of the appropriate National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

[CGD 76-183, 44 FR 73024, Dec. 17, 1979, as amended by CGD 82-073, 49 FR 7119, Feb. 27, 1984; 49 FR 20815, May 17, 1984]

§ 175.110 Visual distress signals required.

(a) No person may use a boat 16 feet or more in length or any boat carrying six or less passengers unless visual distress signals selected from the list in § 175.130 or the alternatives in § 175.135, in the number required, are on board. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use, must be carried.

(b) Between sunset and sunrise, no person may use a boat less than 16 feet in length unless visual distress signals suitable for night use, selected from the list in § 175.130 or § 175.135, in the number required, are on board.

§ 175.113 Launchers.

(a) When a visual distress signal carried to meet the requirements of § 175.110 requires a launcher to activate, then a launcher approved under 46 CFR 160.028 must also be carried.

§ 175.115 Exceptions.

The following persons need not comply with § 175.110; however, each must carry on board visual distress signals suitable for night use, selected from the list in § 175.130 or § 175.135,

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in the number required, between sunset and sunrise:

(a) A person competing in any organized marine parade, regatta, race, or similar event;

(b) A person using a manually propelled boat; or

(c) A person using a sailboat of completely open construction, not equipped with propulsion machinery, under 26' in length.

§ 175.120 Stowage.

(a) No person may use a boat unless the visual distress signals required by § 175.110 are readily accessible.

§ 175.125 Serviceability.

(a) No person may use a boat unless each signal required by § 175.110 is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired.

§ 175.128 Marking.

(a) No person may use a boat unless each signal required by § 175.110 is legibly marked with the approval number or certification statement as specified in 46 CFR Parts 160 and 161.

§ 175.130 Visual distress signals accepted.

(a) Any of the following signals when carried in the number required can be used to meet the requirements of § 175.110:

(1) An electric distress light meeting the standards of 46 CFR 161.013. One is required to meet the night only requirement.

(2) An orange flag meeting the standards of 46 CFR 160.072. One is required to meet the day only requirement.

(3) Pyrotechnics meeting the standards noted in Table 175.130.

(b) Any combination of signal devices selected from the types noted in paragraphs (a) (1), (2) and (3) of this section, when carried in the number required, may be used to meet both day and night requirements. Examples—the combination of two hand held red flares (160.021), and one parachute red flare (160.024 or 160.036) meets both day and night requirements. Three hand held orange smoke (160.037) with one electric distress

light (161.013) meet both day and night requirements.

[CGD 76-183, 44 FR 73024, Dec. 17, 1979, as amended by CGD 81-038-A, 47 FR 24548, June 7, 1982]

TABLE 175.130—PYROTECHNIC SIGNAL DEVICES

Approval number under 46 CFR	Device description	Meets requirement for	Number required
180.021	Hand Held Red Flare Distress Signals *	Day and Night.....	3
180.022	Floating Orange Smoke Distress Signals.	Day Only.....	3
180.024	Parachute Red Flare Distress Signals.	Day and Night *	3
180.026	Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals.	Day and Night.....	3
180.037	Hand-Held Orange Smoke Distress Signals.	Day Only.....	3
180.057	Floating Orange Smoke Distress Signals.	Day Only.....	3
180.086	Distress Signal for Boats, Red Aerial Pyrotechnic Flare.	Day and Night *	3

* These signals require use in combination with a suitable launching device approved under 46 CFR 160.026.
* These devices may be either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160.026.
* Must have manufacture date of 1 Oct. 1980 or later.

[CGD 81-038-A, 47 FR 24548, June 7, 1982]

§175.135 Existing equipment.

- (a) The following types of non-approved pyrotechnic devices will be acceptable as meeting § 175.110 until 1 July 1982 so long as they remain in good and serviceable condition:
 - (1) Pyrotechnic aerial red flares, either hand-held or pistol projected, for "day and night" signal requirement;
 - (2) Pyrotechnic hand-held or floating orange smoke, for "day only" signal requirement;
 - (b) Launchers manufactured before January, 1981, which do not have approval numbers are acceptable for use with meteor or parachute signals listed in Table 175.130 under § 175.130 as long as they remain in serviceable condition.

§ 175.140 Prohibited use.

No person in a boat shall display a visual distress signal on waters to which this subpart applies under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

Subpart D—Ventilation

§ 175.201 Ventilation.

No person may operate a boat built after July 31, 1980, that has a gasoline engine for electrical generation, mechanical power, or propulsion unless it is equipped with an operable ventilation system that meets the requirements of 33 CFR 183.610 (a), (b), (d), (e), and (f) and 183.620(a).

[CGD 76-082, 44 FR 73027, Dec. 17, 1979]

PART 177—CORRECTION OF ESPECIALLY HAZARDOUS CONDITIONS

- Sec.
- 177.01 Purpose and applicability.
- 177.03 Definitions.
- 177.05 Action to correct an especially hazardous condition.
- 177.07 Other unsafe conditions.
- 177.08 Regulated boating areas.
- 177.09 Penalties.

AUTHORITY: 46 U.S.C. 4302; 49 CFR 1.46.
SOURCE: CGD 72-71R, 37 FR 13347, July 7, 1972, unless otherwise noted.

§ 177.01 Purpose and applicability.

This part prescribes rules to implement section 4308 of Title 46 United States Code which governs the correction of especially hazardous conditions on recreational vessels and uninspected passenger vessels on waters subject to the jurisdiction of the United States and, for a vessel owned in the United States, on the high seas, except operators of:

- (a) Foreign boats temporarily using waters subject to United States jurisdiction;

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(b) Military or public boats of the United States, except recreational-type public boats;

(c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes and which is clearly identifiable as such;

(d) Ship's lifeboats.

[CGD 72-71R, 37 FR 13347, July 7, 1972, as amended by CGD 84-099, 52 FR 47534, Dec. 14, 1987; CGD 84-099, 53 FR 13117, April 21, 1988]

§ 177.03 Definitions.

As used in this part:

(a) [Reserved]

(b) "Boat" means any vessel:

(1) Manufactured or used primarily for noncommercial use; or

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

(c) "Coast Guard Boarding Officer" means a commissioned, warrant, or petty officer of the Coast Guard having authority to board any vessel under the Act of August 4, 1949, 63 Stat. 502, as amended (14 U.S.C. 89).

(d) "Operator" means the person who is in control or in charge of a boat while it is in use.

(e) "Use" means operate, navigate, or employ.

(f) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

[CGD 72-71R, 37 FR 13347, July 7, 1972, as amended by CGD 84-099, 52 FR 47534, Dec. 14, 1987]

§ 177.05 Action to correct an especially hazardous condition.

An operator of a boat who is directed by a Coast Guard Boarding Officer to take immediate and reasonable steps necessary for the safety of those aboard the vessel, under section 4308 of Title 46, United States Code, shall follow the direction of the Coast Guard Boarding Officer, which may include direction to:

(a) Correct the especially hazardous condition immediately;

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(b) Proceed to a mooring, dock, or anchorage; or

(c) Suspend further use of the boat until the especially hazardous condition is corrected.

[CGD 72-71R, 37 FR 13347, July 7, 1972, as amended by CGD 84-099, 52 FR 47534, Dec. 14, 1987]

§ 177.07 Other unsafe conditions.

For the purpose of section 4308 of Title 46, United States Code, "other unsafe condition" means a boat:

(a) Does not display between sunset and sunrise the navigation lights prescribed by the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) or, when in use upon the inland waters of the United States, the Inland Navigational Rules Act of 1980 (Pub. L. 96-591), 94 Stat. 3415, 33 U.S.C. 2001, et seq.);

(b) That is operated by an individual who is apparently intoxicated, as defined in § 95.020 of this chapter, to the extent that, in the boarding officer's discretion, the continued operation of the vessel would create an unsafe condition.

(c) Has a fuel leakage from either the fuel system or engine, or has an accumulation of fuel in the bilges.

(d) Does not meet the applicable ventilation requirements for tanks and engine spaces prescribed by 46 CFR 25.40 (which applies to certain boats built before August 1, 1980), or Subpart K Ventilation, of 33 CFR Part 183 (which applies to boats built after July 31, 1980);

(e) Does not meet the requirements for backfire flame control prescribed by 46 CFR 25.35; or

(f) Is operated in a Regulated Boating Area as described in § 177.08 when:

(1) The wave height within the Regulated Boating Area is 4 feet or greater; or

(2) The wave height within the Regulated Boating Area is equal to or greater than the wave height determined by the formula

$$L/10 + F = W$$

where:

L = Overall length of a boat measured in feet in a straight horizontal line along and parallel with the centerline between the intersections of this line with the vertical

planes of the stem and stern profiles excluding deckhouses and equipment.

F—The minimum freeboard when measured in feet from the lowest point along the upper strake edge to the surface of the water.

W—Maximum wave height in feet to the nearest highest whole number; or

(3) The surface current is 4 knots or greater within the Regulated Boating Area.

(g) Designated manifestly unsafe for a specific voyage on a specific body of water due to:

(1) Unsuitable design or configuration, or

(2) Improper construction or inadequate material condition, or

(3) Improper or inadequate operational or safety equipment, and set forth in a regulation issued by a District Commander under the authority of 33 CFR 1.05-1(d).

[COD 72-71R, 37 FR 13347, July 7, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 177.07, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 177.08 Regulated boating areas.

For the purpose of this part, the following are regulated boating areas.

NOTE: Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(a) *Quillayute River Entrance, Wash.* From the west end of James Island 47°54'23" N., 124°39'05" W. southward to buoy No. 2 at 47°53'42" N., 124°38'42" W. eastward to the shoreline at 47°53'42" N., 124°37'51" W., thence northward along the shoreline to 47°54'29" N., 124°38'20" W. thence northward to 47°54'36" N., 124°38'22" W. thence westward to the beginning.

(b) *Grays Harbor Entrance, Wash.* From a point on the shoreline at 46°59'00" N., 124°10'10" W. westward to 46°59'00" N., 124°15'30" W. thence

southward to 46°51'00" N., 124°15'30" W. thence eastward to a point on the shoreline at 46°51'00" N., 124°06'40" W. thence northward along the shoreline to a point at the south jetty 46°54'20" N., 124°08'07" W. thence eastward to 46°54'10" N., 124°05'00" W. thence northward to 46°55'00" N., 124°03'30" W. thence northwestward to Damon Point at 46°56'50" N., 124°06'30" W. thence westward along the north shoreline of the harbor to the north jetty at 46°55'40" N., 124°10'27" W. thence northward along the shoreline to the beginning.

(d) *Columbia River Bar, Wash.-Oreg.* From a point on the shoreline at 46°18'00" N., 124°04'39" W. thence westward to 46°18'00" N., 124°09'30" W. thence southward to 46°12'00" N., 124°09'30" W. thence eastward to a point on the shoreline at 46°12'00" N., 123°59'33" W. thence eastward to Tansy Point Range Front Light at 46°11'16" N., 123°55'05" W.; thence northward to Chinook Point at 46°15'08" N., 123°55'25" W. thence northwestward to the north end of Sand Island at 46°17'29" N., 124°01'25" W. thence southwestward to a point on the north shoreline of the harbor at 46°16'25" N., 124°02'28" W. thence northwestward and southwestward along the north shoreline of the harbor and northward along the seaward shoreline to the beginning.

(e) *Nehalem River Bar, Oreg.* From a point on the shoreline 45°41'25" N., 123°56'16" W. thence westward 45°41'25" N., 123°59'00" W. thence southward to 45°37'25" N., 123°59'00" W. thence eastward to a point on the shoreline at 45°37'25" N., 123°56'38" W. thence northward along the shoreline to the north end of the south jetty at 45°39'40" N., 123°55'45" W. thence westward to a point on the shoreline at 45°39'45" N., 123°56'19" W. thence northward along the shoreline to the beginning.

(f) *Tillamook Bay Bar, Oreg.* From a point on the shoreline at 45°35'15" N., 123°57'05" W. thence westward 45°35'15" N., 124°00'00" W. thence southward to 45°30'00" N., 124°00'00" W. thence eastward to a point on the shoreline at 45°30'00" N., 123°57'40" W. thence northward along the shoreline to the north end of Kincheloe Point at

45°33'30" N., 123°56'05" W. thence northward to a point on the north shoreline of the harbor at 45°33'40" N., 123°55'59" W. thence westward along the north shoreline of the harbor then northward along the seaward shoreline to the beginning.

(g) *Netarts Bay Bar, Ore.* From a point on the shoreline at 45°28'05" N. thence westward to 45°28'05" N., 124°00'00" W. thence southward to 45°24'00" N., 124°00'00" W. thence eastward to a point on the shoreline at 45°24'00" N., 123°57'45" W. thence northward along the shoreline to 45°26'03" N., 123°57'15" W. thence eastward to a point on the north shoreline of the harbor at 45°26'00" N., 123°56'57" W. thence northward along the shoreline to the beginning.

(h) *Siletz Bay Bar, Ore.* From a point on the shoreline at 44°56'32" N., 124°01'29" W. thence westward to 44°56'32" N., 124°03'00" W. thence southward to 44°54'40" N., 124°03'15" W. thence eastward to a point on the shoreline at 44°54'40" N., 124°01'55" W. thence northward along the shoreline to 44°55'35" N., 124°01'25" W. thence northward to a point on the north shoreline of the harbor at 44°55'45" N., 124°01'20" W. thence westward and northward along the shoreline to the beginning.

(i) *Depoe Bay Bar, Ore.* From a point on the shoreline at 44°49'15" N., 124°04'00" W. thence westward to 44°49'15" N., 124°04'35" W. thence southward to 44°47'55" N., 124°04'55" W. thence eastward to a point on the shoreline at 44°47'53" N., 124°04'25" W. thence northward along the shoreline and eastward along the south bank of the entrance channel to the highway bridge thence northward to the north bank at the bridge thence westward along the north bank of the entrance channel and northward along the seaward shoreline to the beginning.

(j) *Yaquina Bay Bar, Ore.* From a point on the shoreline at 44°38'11" N., 124°03'47" W. thence westward to 44°38'11" N., 124°05'55" W. thence southward to 44°35'15" N., 124°06'05" W. thence eastward to a point on the shoreline at 44°35'15" N., 124°04'02" W. thence northward along the shoreline and eastward along the south bank of the entrance channel to the highway

bridge thence northward to the north bank of the entrance channel at the bridge thence westward along the north bank of the entrance channel and northward along the seaway shoreline to the beginning.

(k) *Stuslaw River Bar, Ore.* From a point on the shoreline at 44°02'00" N., 124°08'00" W. thence westward to 44°02'00" N., 124°09'30" W. thence southward to 44°00'00" N., 124°09'30" W. thence eastward to a point on the shoreline at 44°00'00" N., 124°08'12" W. thence northward along the shoreline and southward along the west bank of the entrance channel to 44°00'35" N., 124°07'48" W. thence southeastward to a point on the east bank of the entrance channel at 44°00'20" N., 124°07'31" W. thence northward along the east bank of the entrance channel and northward along the seaward shoreline to the beginning.

(l) *Umpqua River Bar, Ore.* From a point on the shoreline at 43°41'20" N., 124°11'58" W. thence westward to 43°41'20" N., 124°13'32" W. thence southward to 43°38'35" N., 124°14'25" W. thence eastward to a point on the shoreline at 43°38'35" N., 124°12'35" W. thence northward along the shoreline to the north end of the training jetty at 43°40'15" N., 124°11'45" W. thence northward to a point on the west bank of the entrance channel at 43°40'40" N., 124°11'41" W. thence southwestward along the west bank of the entrance channel thence northward along the seaward shoreline to the beginning.

(m) *Coos Bay Bar, Ore.* From a point on the shoreline at 43°22'15" N., 124°19'34" W. thence westward to 43°22'20" N., 124°22'28" W. thence southwestward to 43°21'00" N., 124°23'35" W. thence southeastward to a point on the shoreline at 43°20'25" N., 124°22'28" W. thence northward along the shoreline and eastward along the south shore of the entrance channel to a point on the shoreline at 43°20'52" N., 124°19'12" W. thence eastward to a point on the east shoreline of the harbor at 43°21'00" N., 124°18'50" W. thence northward to a point on the west shoreline of the harbor at 43°21'45" N., 124°19'10" W. thence south and west along the west shoreline of the harbor thence north-

ward along the seaward shoreline to the beginning.

(n) *Coquille River Bar, Oreg.* From a point on the shoreline at 43°08'25" N., 124°25'04" W. thence southwestward to 43°07'50" N., 124°27'05" W. thence southwestward to 43°07'03" N., 124°28'25" W. thence eastward to a point on the shoreline at 43°06'00" N., 124°25'55" W. thence northward along the shoreline and eastward along the south shoreline of the channel entrance to 43°07'17" N., 124°25'00" W. thence northward to the east end of the north jetty at 43°07'24" N., 124°24'59" W. thence westward along the north shoreline of the entrance channel and northward along the seaward shoreline to the beginning.

(o) *Rogue River Bar, Oreg.* From a point on the shoreline at 42°26'25" N., 124°26'03" W. thence westward to 42°26'10" N., 124°27'05" W. thence southward to 42°24'15" N., 124°27'05" W. thence eastward to a point on the shoreline at 42°24'15" N., 124°25'30" W. thence northward along the shoreline and eastward along the south shoreline of the entrance channel to the highway bridge thence northward across the inner harbor jetty to a point on the north shoreline of the entrance channel at the highway bridge thence westward along the north shoreline of the entrance channel thence northward along the seaward shoreline to the beginning.

(p) *Chetco River Bar, Oreg.* From a point on the shoreline at 42°02'35" N., 124°17'20" W. thence southeastward to 42°01'45" N., 124°16'30" W. thence northwestward to a point on the shoreline at 42°02'10" N., 124°15'35" W. thence northwestward along the shoreline thence northward along the east shoreline of the channel entrance to 42°02'47" N., 124°16'03" W. thence northward along the west face of the inner jetty and east shoreline of the channel entrance to the highway bridge thence westward to the west shoreline of the channel at the highway bridge thence southward along the west shoreline of the channel thence westward along the seaward shoreline to the beginning.

CGD 73-41R, 39 FR 2583, Jan. 23, 1974, as amended by CGD 86-082, 52 FR 33812, Sept. 1, 1987

§ 177.09 Penalties.

An operator of a boat who does not follow the directions of a Coast Guard Boarding Officer prescribed in § 177.05 is, in addition to any other penalty prescribed by law, subject to:

(a) The criminal penalties of section 34 of the Federal Boat Safety Act of 1971 which provides that "Any person who willfully violates section 12(c) of this Act or the regulations issued thereunder shall be fined not more than \$1,000 for each violation or imprisoned not more than 1 year, or both," and

(b) The civil penalties of subsection 35(b) of the Federal Boat Safety Act of 1971 which provides "In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than \$500 for each violation. If the violation involves the use of a vessel, the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found."

PART 179—DEFECT NOTIFICATION

Sec.

- 179.01 Purpose.
- 179.03 Definitions.
- 179.05 Manufacturer discovered defects.
- 179.07 Notice given by "more expeditious means."
- 179.09 Contents of notification.
- 179.11 Defects determined by the Commandant.
- 179.13 Initial report to the Commandant.
- 179.15 Follow-up report.
- 179.17 Penalties.
- 179.19 Address of Commandant.

AUTHORITY: 46 U.S.C. 1464(f) and (g); 49 CFR 1.46(o)(1).

SOURCE: CGD 72-55R, 37 FR 15776, Aug. 4, 1972, unless otherwise noted.

§ 179.01 Purpose.

This part prescribes rules to implement section 15 of the Federal Boat Safety Act of 1971 governing the notification of defects in boats and associated equipment.

§ 179.03

§ 179.03 Definitions.

(a) "Act" means the Federal Boat Safety Act of 1971.

(b) "Manufacturer" means any person engaged in:

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(3) The importation into the United States for sale of boats, associated equipment, or components thereof.

(c) "Boat" means any vessel:

(1) Manufactured or used primarily for noncommercial use; or

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

(d) "Associated equipment" means an:

- (1) Inboard engine,
- (2) Outboard engine, or
- (3) Stern drive unit

as shipped, transferred, or sold from the place of manufacture and includes all attached parts and accessories.

§ 179.05 Manufacturer discovered defects.

Each manufacturer who is required to furnish a notice of a defect or failure to comply with a standard prescribed pursuant to section 5 of the Act by section 15(a) of the Act shall furnish that notice within 30 days after he discovers or acquires information of the defect or failure to comply.

§ 179.07 Notice given by "more expeditious means."

Each manufacturer who gives the notice required by section 15 of the Act by more expeditious means than certified mail must give such notice in writing.

§ 179.09 Contents of notification.

Each notice required by section 15(a) of the Act must include the following additional information:

(a) The name and address of the manufacturer.

(b) Identifying classifications including the make, model year, if appropri-

ate, the inclusive dates (month and year) of the manufacture, or serial numbers and any other data necessary to describe the boats or associated equipment that may be affected.

§ 179.11 Defects determined by the Commandant.

A manufacturer who is informed by the Commandant under section 15(e) of the Act that a boat or associated equipment contains a defect relating to safety or failure to comply with a standard prescribed pursuant to section 5 of the Act shall, within 30 days of receipt of the information:

(a) Furnish the notification described in section 15(c) of the Act to the persons designated in section 15(b) of the Act, or

(b) Present his views to the Commandant by certified mail to establish that there is no defect relating to safety or failure of compliance.

§ 179.13 Initial report to the Commandant.

(a) When a manufacturer gives a notification required by section 15 of the Act, he shall concurrently send to the Commandant by certified mail—

(1) A true or representative copy of each notice, bulletin, and other communication that he has given to the persons required to be notified under section 15(b) of the Act;

(2) The total number of boats or associated equipment potentially affected by the defect or failure to comply with a standard prescribed pursuant to section 5 of the Act; and

(3) If discovered or determined by the manufacturer, a chronology of all principal events upon which the determination is based.

(b) A manufacturer may submit an item required by paragraph (a) of this section that is not available at the time of submission to the Commandant when it becomes available if the manufacturer explains why it was not submitted within the time required and estimates when it will become available.

§ 179.15 Follow-up report.

(a) Each manufacturer who makes an initial report required by § 179.13

shall submit a follow-up report to the Commandant by certified mail within 60 days after the initial report. The follow-up report must contain at least the following information:

- (1) A positive identification of the initial report;
 - (2) The number of units in which the defect was discovered as of the date of the follow-up report;
 - (3) The number of units in which corrective action has been completed as of the date of the follow-up report;
 - (4) The number of first purchasers not notified because of an out-of-date name or address, or both; and
 - (5) An updating of the information required by § 179.13.
- (b) Each manufacturer shall submit any additional follow-up reports requested by the Commandant.

§ 179.17 Penalties.

(a) Each manufacturer who fails to furnish a notification as required by section 15(a) of the Act or fails to exercise reasonable diligence in fulfilling the undertaking given pursuant to section 15(c) of the Act is subject to the penalties prescribed by section 35(a) of the Act.

(b) Each manufacturer who fails to comply with any other provision of section 15 of the Act or the regulations in this part is subject to the penalties prescribed by section 35(b) of the Act.

§ 179.19 Address of Commandant.

Each report and communication sent to the Coast Guard required by this part must be submitted to the U.S. Coast Guard Recreational Boating Product Assurance Branch, 2100 Second Street SW., Washington, DC 20593-0001.

[CGD 88-052, 53 FR 25122, July 1, 1988]

PART 181—MANUFACTURER REQUIREMENTS

Subpart A—General

- Sec.
- 181.1 Purpose and applicability.
 - 181.3 Definitions.

Sec.

Subpart B—Manufacturer Certification of Compliance

- 181.5 Purpose and applicability.
- 181.7 Compliance certification label required.
- 181.9 Affixing labels.
- 181.11 Exceptions to labeling requirement.
- 181.13 Removal of labels.
- 181.15 Contents of labels.
- 181.17 Label numbers and letters.
- 181.19 Construction of labels.

Subpart C—Identification of Boats

- 181.21 Purpose, applicability and effective date.
- 181.23 Hull identification numbers required.
- 181.25 Hull identification number format.
- 181.27 Information displayed near hull identification number.
- 181.29 Hull identification number display.
- 181.31 Manufacturer identification code assignment.
- 181.33 Conditions for use of manufacturer identification codes.
- 181.35 Removal of numbers.

Subparts D-F—[Reserved]

Subpart G—Instruction Pamphlet for Personal Flotation Devices

- 181.701 Applicability.
- 181.702 Recreational Hybrid PFD Information Pamphlet.
- 181.703 PFD information pamphlet; manufacturer requirements.
- 181.705 PFD information pamphlet; contents.

AUTHORITY: 46 U.S.C. 4302; 49 CFR 1.46.

SOURCE: CGD 72-80, 37 FR 15779, Aug. 4, 1972, unless otherwise noted.

Subpart A—General

§ 181.1 Purpose and applicability.

This part prescribes requirements for the certification of boats and associated equipment and identification of boats to which 46 U.S.C. Chapter 43 applies.

[CGD 85-002, 51 FR 37573, Oct. 23, 1986]

§ 181.3 Definitions.

As used in this part:

- (a) "Manufacturer" means any person engaged in:

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The importation into the United States for sale of boats, associated equipment, or components thereof.

(b) "Boat" means any vessel manufactured or used primarily for non-commercial use; leased, or rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Associated equipment" means:

(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;

(2) Any accessory or equipment for, or appurtenance to, a boat; and

(3) Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but

(4) Excluding radio equipment.

(d) "Date of certification" means the date on which a boat or item of associated equipment is certified to comply with all applicable U.S. Coast Guard safety standards in effect on that date.

(e) "Date of manufacture" means the month and year during which construction or assembly of a boat or item of associated equipment begins.

(f) "Model year" means the period beginning August 1 of any year and ending on July 31 of the following year. Each model year is designated by the year in which it ends.

(g) "Private label merchandiser" means any person engaged in the business of selling or distributing, under his own trade name, boats, or items of associated equipment manufactured by another.

Subpart B—Manufacturer Certification of Compliance

§ 181.5 Purpose and applicability.

This subpart prescribes requirements for the certification of boats and associated equipment to which 46 U.S.C. Chapter 43 applies and to which a safety standard prescribed in Part 183 of this chapter applies.

[CGD 85-002, 51 FR 37573, Oct. 23, 1986]

§ 181.7 Compliance certification label required.

Unless there is affixed to it a certification label that contains the information required by § 181.15:

(a) No person who manufactures, constructs, or assembles a boat or associated equipment may deliver that boat or equipment for the purpose of sale;

(b) No person may import into the United States any boat or associated equipment; and

(c) No person engaged in the business of selling or distributing boats or associated equipment may sell or offer for sale any boat or associated equipment.

§ 181.9 Affixing labels.

(a) Each manufacturer of a boat or item of associated equipment to which a standard or regulation prescribed in Part 183 of this chapter applies shall affix a certification label that contains the information required by § 181.15 to that boat or equipment before it:

(1) Leaves the place of manufacture for the purpose of sale; or

(2) Is imported.

(b) The manufacturer of a boat or item of associated equipment that is sold to a private label merchandiser may, at the option of the private label merchandiser, affix a certification label identifying the private label merchandiser as the manufacturer before the boat or item of associated equipment leaves the place of manufacture.

§ 181.11 Exceptions to labeling requirement.

(a) This part does not apply to boats or associated equipment intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) If an item of associated equipment is so small that a certification label that meets the requirements in § 181.15 cannot be affixed to it, a certification label that contains the information required by § 181.15 may be printed on the smallest container in which the item is packed or on a slip packed with the item.

(c) This subpart does not apply to any outboard motor or starting control to which § 183.710 of this chapter applies.

CGD 72-80, 37 FR 15779, Aug. 4, 1972, as amended by CGD 79-137, 46 FR 3615, Jan. 5, 1981; 46 FR 9579, Jan. 29, 1981]

181.13 Removal of labels.

No person may remove a label required by this part or remove or alter any information on a label required by this part, unless authorized by the commandant.

181.15 Contents of labels.

(a) Each label required by § 181.7 must contain:

(1) The name and address of the manufacturer or private label merchandiser who certifies that the boat or item of associated equipment complies with the standards prescribed in part 183 of this subchapter; and

(2) Except as provided in paragraph (b) of this section, the words:

(i) "This (insert 'Boat' or 'Equipment') Complies With U.S. Coast Guard Safety Standards In Effect On [insert date of certification as prescribed in paragraph (b) of this section]"; or

(ii) If the item being certified is a motor or boat hull, the label may show the words, "This Boat Complies With U.S. Coast Guard Safety Standards In Effect On The Date of Certification."

(b) Date of certification must be no earlier than the date on which construction or assembly began and no later than the date on which the boat or item of associated equipment leaves the place of manufacture or assembly for the purposes of sale.

(c) [Reserved]

(d) Except as provided in paragraph (b) of this section, the manufacturer must, in addition to the information required by paragraphs (a) and (b) of this section, display on the certification label any or all of the following information:

(1) Model name or designation.

(2) Hull identification number (if a motor) or serial number (if an item of associated equipment).

(3) Model year.

(4) Display of the hull identification number on the certification label does

not satisfy the display requirements of § 181.29.

(f) Each boat which displays a maximum horsepower capacity determined in accordance with § 183.53(b) must, in addition to the information required by paragraphs (a), (b) and (d) of this section, display on the certification label, the following statement in letters no less than one-quarter of an inch in height: "THIS BOAT IS INTENDED FOR RACING AND OTHER HIGH PERFORMANCE ACTIVITIES. THE SKILL REQUIRED MAY EXCEED THE ABILITIES OF SOME OPERATORS."

[CGD 72-80, 37 FR 15779, Aug. 4, 1972, as amended by CGD 83-012, 49 FR 39327, Oct. 5, 1984; CGD 85-002, 51 FR 37573, Oct. 23, 1986]

§ 181.17 Label numbers and letters.

Letters and numbers on each label must:

(a) Be no less than one-eighth of an inch in height; and

(b) Contrast with the basic color of the label, except that the date of certification may be permanently stamped, engraved, or embossed on the label.

§ 181.19 Construction of labels.

(a) Each label must be made of material that can withstand exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal use of the boat or item of associated equipment without deterioration of legibility.

(b) Each label must be made of material that shows visible traces of the alteration or removal of information on the label.

Subpart C—Identification of Boats

SOURCE: CGD 79-013, 46 FR 40718, Sept. 9, 1983, unless otherwise noted.

§ 181.21 Purpose, applicability and effective dates.

(a) This subpart prescribes the requirements for identification of boats to which section 4 of the Federal Boat Safety Act of 1971 applies.

(b) These amendments are effective on August 1, 1984, however, a manu-

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facturer may voluntarily comply with this regulation on January 1, 1984.

§ 181.23 Hull identification numbers required.

(a) A manufacturer (or importer), as defined in § 181.3 of this part, must identify each boat produced or imported with two hull identification numbers that meet the requirements of this subpart:

(1) A primary hull identification number affixed in accordance with §§ 181.29(a) and (c) of this subpart; and

(2) A duplicate hull identification number affixed in accordance with §§ 181.29(b) and (c) of this subpart.

(b) A person who builds or imports a boat for his or her own use and not for the purposes of sale, must identify that boat with two hull identification numbers that meet the requirements of this subpart.

(c) No person may assign the same hull identification number to more than one boat.

§ 181.25 Hull identification number format.

Each of the hull identification numbers required by § 181.23 must consist of twelve characters, uninterrupted by slashes, hyphens, or spaces, as follows:

(a) The first three characters must be a manufacturer identification code assigned under § 181.31(a) or the importer designation assigned under § 181.31(b).

(b) Characters four through eight must be a serial number assigned by the manufacturer in letters of the English alphabet, or Arabic numerals, or both, except the letters I, O, and Q.

(c) Characters nine and ten must indicate the month and year of certification when a date of certification is required. In all other cases characters nine and ten must indicate the date of manufacture. The date indicated can be no earlier than the date construction or assembly began and no later than the date the boat leaves the place of manufacture or assembly or is imported into the United States for the purposes of sale. Character nine must be indicated using letters of the English alphabet. The first month of the year, January, must be designated

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by the letter "A", the second month, February, by the letter "B", and so on until the last month of the year, December. Character ten must be the last digit of the year of manufacture or certification and must be an Arabic numeral.

(d) Characters eleven and twelve must indicate the model year using Arabic numerals for the last two numbers of the model year such as "82" for 1982 and "83" for 1983.

§ 181.27 Information displayed near hull identification number.

If additional information is displayed on the boat within two inches of the hull identification number, that information must be separated from the hull identification number by means of borders or must be on a separate label so that it will not be interpreted as part of the hull identification number.

§ 181.29 Hull identification number display.

Two identical hull identification numbers are required to be displayed on each boat hull.

(a) The primary hull identification number must be affixed—

(1) On boats with transoms, to the starboard outboard side of the transom within two inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest.

(2) On boats without transoms or on boats on which it would be impractical to use the transom, to the starboard outboard side of the hull, aft, within one foot of the stern and within two inches of the top of the hull side, gunwale or hull/deck joint, whichever is lowest.

(3) On catamarans and pontoon boats which have readily replaceable hulls, to the aft crossbeam within one foot of the starboard hull attachment.

(4) If the hull identification number would not be visible, because of radio fittings, or other accessories, the number must be affixed as near as possible to the location specified in paragraph (a) of this section.

(b) The duplicate hull identification number must be affixed in an unexposed location on the interior of the

boat or beneath a fitting or item of hardware.

(c) Each hull identification number must be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the boat so that alteration, removal, or replacement would be obvious. If the number is on a separate plate, the plate must be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area. A hull identification number must not be attached to parts of the boat that are removable.

(d) The characters of each hull identification number must be no less than one-fourth of an inch high.

[CGD 79-013, 48 FR 40718, Sept. 19, 1983; 48 FR 53558, Nov. 28, 1983]

§ 181.31 Manufacturer identification code assignment.

(a) Each person required by § 181.23 to affix hull identifications numbers must request a manufacturer identification code in writing from the U.S. Coast Guard Recreational Boating Product Assurance Branch, 2100 Second Street SW., Washington, DC 20593-0001. The request must indicate the manufacturer's name and U.S. address along with the general types and lengths of boats that will be manufactured.

(b) For boats manufactured outside of the jurisdiction of the United States, a U.S. importer must obtain a manufacturer identification code as required by paragraph (a) of this section. The request of an importer, as defined in § 181.3 of this subpart, must indicate the importer's name and U.S. address along with a list of the manufacturers, their addresses, and the general types and sizes of boats that will be imported. If a nation has a hull identification number system which has been accepted by the U.S. Coast Guard for the purpose of importing boats, it may be used by the importer instead of the one specified within this subpart. To request a list of those nations having such a numbering system, write to the U.S. Coast Guard Recreational Boating Product Assurance Branch, 2100 Second Street SW., Washington, DC 20593-0001.

(c) Persons who are required to identify boats under § 181.23(b) must obtain the required hull identification number from the State Boating Law Administrator of the State where the boat will be principally used, or, if the State Boating Law Administrator does not assign these numbers, from the Coast Guard District office in the area of principal use.

[CGD 79-013, 48 FR 40718, Sept. 9, 1983, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

§ 181.33 Conditions for use of manufacturer identification codes.

(a) No manufacturer or importer may sell or transfer a manufacturer identification code or use a manufacturer identification code that has been assigned to another.

(b) A manufacturer or importer who changes the business name or address must advise the U.S. Coast Guard Recreational Boating Product Assurance Branch, 2100 Second Street SW., Washington, DC 20593-0001 of the change in writing.

[CGD 79-013, 48 FR 40718, Sept. 9, 1983, as amended by CGD 88-052, 53 FR 25122, July 1, 1988]

§ 181.35 Removal of numbers.

No person may remove or alter a number required by this subpart unless authorized by the Commandant, U.S. Coast Guard.

Subparts D-F—[Reserved]

Subpart G—Instruction Pamphlet for Personal Flotation Devices

SOURCE: CGD 75-008a, 43 FR 9767, Mar. 9, 1978, unless otherwise noted.

§ 181.701 Applicability.

This subpart applies to all personal flotation devices that are sold or offered for sale for use on recreational boats.

§ 181.702 Recreational Hybrid PFD Information Pamphlet.

(a) Notwithstanding the requirements in §§ 181.703 and 181.705, each manufacturer of recreational hybrid

§ 181.703

PFD's must furnish with each of these PFD's a pamphlet meeting 46 CFR 160.077-27.

(b) The requirements for PFD pamphlets in §§ 181.703 and 181.705 do not apply to recreational hybrid PFD's.

[CGD 78-174A, 51 FR 4340, Feb. 4, 1986]

§ 181.703 PFD information pamphlet; manufacturer requirements.

Each manufacturer of a Type I, II, III, IV, or V personal flotation device that is sold or offered for sale for use on a recreational boat shall furnish the text required by § 181.705 with each device by meeting one of the following:

(a) If the personal flotation device package is not transparent:

(1) The text in paragraph (a) of § 181.705 of this subpart must be provided in a manner such that it can be read prior to purchase; and

(2) The text in paragraph (b) of § 181.705 of this subpart must be printed in a pamphlet and the pamphlet must be enclosed in each package.

(b) If the personal flotation device package is transparent:

(1) The text in paragraph (a) of § 181.705 of this subpart must be printed in a pamphlet and the pamphlet must be enclosed in each package so that the text can be read through the package; and

(2) The text in paragraph (b) of § 181.705 of this subpart must be printed on the remaining pages of the pamphlet or in another pamphlet which must be enclosed in each package.

(c) If the personal flotation device is not in a package, a pamphlet that meets § 181.705 of this subpart must be attached to each personal flotation device so that a purchaser can read the text of paragraph (a) of § 181.705 of this subpart prior to purchase.

§ 181.705 PFD information pamphlet; contents.

Each manufacturer of a Type I, II, III, IV, or V personal flotation device shall furnish with each PFD that is sold or offered for sale for use on a recreational boat the text specified in the following paragraphs. Additional

33 CFR Ch. I (7-1-90 Edition)

information, instructions, or illustrations may be included.¹

(a) The following text must be visible or in an attached pamphlet.

FEDERAL REGULATIONS REQUIRE PERSONAL FLOTATION DEVICES

Coast Guard regulations in Part 175 of Title 33, Code of Federal Regulations require personal flotation devices in the following three situations:

(a) No person may use a recreational boat less than 16 feet in length or a canoe or kayak unless at least one personal flotation device of the following types is on board for each person:

- (1) Type I PFD.
- (2) Type II PFD.
- (3) Type III PFD.
- (4) Type IV PFD.

(b) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one personal flotation device of the following types of is on board for each person:

- (1) Type I PFD.
- (2) Type II PFD.
- (3) Type III PFD.

(c) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one Type IV PFD is on board in addition to the PFD's required in paragraph (b).

THERE ARE FIVE TYPES OF PERSONAL FLOTATION DEVICES

This is a Type (I, II, III, IV or V) PFD.

NOTE: The following types of PFD's are designed to perform as described in calm water and when the wearer is not wearing any other flotation material (such as a wet-suit).

Type I.—A Type I PFD has the greatest required buoyancy and is designed to turn most unconscious persons in the water from a face down position to a vertical and slightly backward position and to maintain the person in the vertical and slightly backward position and, therefore, greatly increase his or her chances of survival. The Type I PFD is suitable for all waters, especially for cruising on waters where there is a probability of delayed rescue, such as large bodies of water where it is not likely that a significant number of boats will be in close proximity.

¹The illustrations required by paragraph (a) of § 181.705 may be photographs or drawings. Each manufacturer should use illustrations of his own products. If this is not possible, illustrations of other Coast Guard approved PFD's may be used.

This type PFD is the most effective of all the types in rough water. The Type I PFD is easiest to don in any emergency because it is reversible and available in only two sizes—Adult (90 lb. or more) and child (less than 90 lb.) which are universal sizes (designed to fit all persons in the appropriate category).

(Illustration of Type I PFD)

Type II.—A Type II PFD is designed to turn the wearer to a vertical and slightly backward position in the water. The turning action is not as pronounced as with a Type I and the device will not turn as many persons under the same conditions as the Type I. The Type II PFD is usually more comfortable to wear than the Type I. This type PFD is normally sized for ease of emergency donning and is available in the following sizes: Adult (more than 90 lb.)—Medium Child (50 lb. to 90 lb.), and two categories of Small Child (less than 50 lb. or less than 30 lb.). Additionally, some models are sized by chest sizes. You may prefer to use the Type II where there is a probability of quick rescue such as areas where it is common for other persons to be engaged in boating, fishing, and other water activities.

(Illustration of Type II PFD)

Type III.—The Type III PFD is designed so that the wearer can place himself or herself in a vertical and slightly backward position, and the device will maintain the wearer in that position and have no tendency to turn the wearer face down. A Type III can be the most comfortable, comes in a variety of styles which should be matched to the individual use, and is usually the best choice for water sports, such as skiing, hunting, fishing, canoeing, and kayaking. This type PFD normally comes in many chest sizes and weight ranges; however, some universal sizes are available. You may also prefer to use the Type III where there is a probability of quick rescue such as areas where it is common for other persons to be engaged in boating, fishing, and other water activities.

(Illustration of Type III PFD)

Type IV.—A Type IV PFD is designed to be grasped and held by the user until rescued as well as to be thrown to a person who has fallen overboard. While the Type IV is acceptable in place of a wearable device in certain instances, this type is suitable only where there is a probability of quick rescue such as areas where it is common for other persons to be engaged in boating, fishing, and other water activities. It is not recommended for non-swimmers and children.

(Illustration of Type IV PFD)

Type V.—A Type V PFD is a PFD approved for restricted uses. No Type V PFD

is currently approved for use on recreational boats to meet the mandatory carriage requirements listed in paragraph (a), (b), or (c) above.

(b) The following text must also be supplied.

YOUR PERSONAL FLOTATION DEVICE

You are required by Federal Regulations to have at least one Coast Guard approved personal flotation device (PFD) for each person in your recreational boat. You may not use your recreational boat unless all your PFD's are in serviceable condition, are readily accessible, are legibly marked with the Coast Guard approval number, and are of an appropriate size (within the weight range and chest sizes marked on the PFD) for each person on board.

WHY DO YOU NEED A PFD?

Your PFD provides buoyancy to help keep your head above the water and to help you remain in a satisfactory position in the water. The average weight of an adult is only 10 to 12 pounds in the water and the buoyancy provided by the PFD will support that weight in water. Unfortunately, your body weight does not determine how much you will weigh in water. In fact, your weight in water changes slightly throughout the day. There is no simple method of determining your weight in water. You should try the device in the water to make sure it supports your mouth out of the water. Remember, all straps, zippers, and tie tapes must be used and of course the PFD must be the proper size (size limitations are on the label).

THINGS TO CONSIDER ABOUT PFD'S

(1) USCG approval of a PFD does not imply that it is ideal for all uses. For instance, there are a number of PFD's which are better suited for water skiing and others for white water canoeing and kayaking. These and other PFD's are labeled accordingly.

(2) Some PFD's are more rugged and durable than others but usually cost more. You should evaluate the trade-offs of cost, your intended use, and how often the PFD will have to be replaced.

(3) The use of most Type IV throwable PFD's usually requires you to grasp the device until rescued, which could prove difficult if there is an extended delay or if you are overcome by hypothermia (loss of body heat to the water). Also it implies that if you find yourself in the water there will be someone available to throw it to you.

**EACH OF THESE DEVICES IS INTENDED TO HELP
YOU SAVE YOUR OWN LIFE**

For your PFD to function properly, follow these suggestions to insure that it fits, floats, and remains in good condition:

- (1) Try your wearable PFD on and adjust it until it fits comfortably in and out of the water.
- (2) Try your PFD out in the water. This will show you how it works and will give you confidence when you use it. You should be aware that your PFD may perform differently under different conditions such as in swift water, with bulky clothing, etc.
- (3) Mark your PFD with your name if you are the only wearer.
- (4) Do not alter your PFD. If it doesn't fit properly, get one that does. An altered device is no longer Coast Guard approved.
- (5) Your PFD is not intended for use as a fender or kneeling pad.
- (6) Inspect your PFD periodically to ensure that it is free of rips, tears, or holes, that the flotation pads have no leaks, and that all seams and joints are securely sewn.
- (7) Keep your PFD away from sharp objects which may rip the fabric or puncture the flotation pads.
- (8) If your PFD contains kapok, the kapok fibers may become waterlogged and lose their buoyancy after the vinyl inserts are split or punctured. When the kapok becomes hard or if the kapok is soaked with water, the PFD is no longer serviceable. It may not work when you need it and must be replaced.
- (9) If your PFD is wet, allow it to dry thoroughly before storing it. Store it in a well ventilated area.
- (10) Do not dry your PFD in front of a radiator or other source of direct heat.
- (11) If you must swim while wearing your PFD use a back or side stroke.

PFD'S AND CHILDREN

A child is difficult to float in a safe position because of the distribution of body weight and because a child tends to panic when suddenly in an unfamiliar environment. The violent movement of the arms and legs in an attempt to "climb out" of the water tends to nullify the stability of the PFD. An approved device will keep a child afloat, but not always in a face up position. A child should be taught how to put on the device and should be allowed to try it out in the water. It is important that the child feels comfortable and knows what the PFD is for and how it functions. Parents should note, however, that PFD's are not a substitute for adult supervision.

WEAR YOUR PFD

Your personal flotation device won't help you if you don't have it on. If you don't choose to wear it at all times, you should

keep it handy and put it on when heavy weather threatens, or when danger is imminent. Don't wait until it is too late; non-swimmers and children especially should wear their PFD's at all times when on or near the water.

HYPOTHERMIA

Hypothermia, the loss of body heat to the water, is a major cause of deaths in boating accidents. Often the cause of death is listed as drowning; but, most often the primary cause is hypothermia and the secondary cause is drowning. After an individual has succumbed to hypothermia, he will lose consciousness and then drown. The following chart shows the effects of hypothermia:

Water temperature (degrees Fahrenheit)	Exhaustion or unconsciousness	Expected time of survival
32.5.....	Under 15 min.....	Under 15 to 45 min.
32.5 to 40.....	15 to 30 min.....	30 to 90 min.
40 to 50.....	30 to 60 min.....	1 to 3 h.
50 to 60.....	1 to 2 h.....	1 to 6 h.
60 to 70.....	2 to 7 h.....	2 to 40 h.
70 to 80.....	3 to 12 h.....	3 h. to indefinite.
Over 80.....	Indefinite.....	Indefinite.

PFD's can increase survival time because of the insulation they provide. Naturally, the warmer the water, the less insulation one will require. When operating in cold waters (below 40° F.) consideration should be given to using a coat or jacket style PFD as they cover more of the body than the vest style PFD's.

Some points to remember about hypothermia protection:

(1) While afloat in the water, do not attempt to swim unless it is to reach a nearby craft, fellow survivor, or a floating object on which you can lean or climb. Unnecessary swimming increases the rate of body heat loss. In cold water drowningproofing methods that require putting your head in the water are not recommended. Keep your head out of the water. This will greatly lessen heat loss and increase your survival time.

(2) Keep a positive attitude about your survival and rescue. This will improve your chances of extending your survival time until rescue. Your will-to-live does make a difference!

(3) If there is more than one person in the water, huddling is recommended while waiting to be rescued. This action tends to reduce the rate of heat loss and thus increase the survival time.

(4) Always wear your PFD. It won't help you fight off the effects of hypothermia if you don't have it on when you go into the water.

REMEMBER—SAFE BOATING IS NO ACCIDENT

If you need more information about PFD's and safe recreational boating, contact your state boating authority, U.S. Coast Guard Auxiliary, U.S. Power Squadron, Red Cross, or your nearest unit of the U.S. Coast Guard.

[CGD 75-008a, 43 FR 9707, Mar. 9, 1978; 43 FR 17356, Apr. 24, 1978]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

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Subpart M—[Reserved]

Subpart N—Special Provisions

183.901 Applicability to "OMC Sea D installations.

AUTHORITY: 46 U.S.C. 4302; 49 CFR 1.

SOURCE: CGD 72-61R, 37 FR 15782, Aug 1972, unless otherwise noted.

Subpart A—General

§ 183.1 Purpose and applicability.

This part prescribes standards regulations for boats and associated equipment to which 46 U.S.C. Chap 43 applies and to which certification requirements in Part 181 of this chapter apply.

[CGD 85-098, 52 FR 19728, May 27, 1987]

§ 183.3 Definitions.

(a) "Beam" means the transverse distance between the outer sides of the boat excluding handles, and of similar fittings, attachments, and tensions.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, chartered to another for the latter noncommercial use; or engaged in carrying of six or fewer passengers.

(c) "Full transom" means a transom with a maximum width which exceeds one-half the maximum beam of the boat.

(d) "Length" means the straight horizontal measurement of the overall length from the foremost part of the boat to the aftermost part of the boat measured from end to end over the deck excluding sheer, and measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

(e) "Monohull boat" means a boat on which the line of intersection of the water surface and the boat at its operating draft forms a single closed curve. For example, a catamaran, a

maran, or a pontoon boat is not a monohull boat.

(f) "Remote steering" means any mechanical assist device which is rigidly attached to the boat and used in steering the vessel, including but not limited to mechanical, hydraulic, or electrical control systems.

(g) "Sailboat" means a boat designed or intended to use sails as the primary means of propulsion.

(h) "Sheer" means the topmost line in a boat's side. The sheer intersects the vertical centerline plane of the boat at the forward end and intersects the transom (stern) at the aft end. For the purposes of this definition, the topmost line in a boat's side is the line defined by a series of points of contact with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical plane normal to the outside edge of the boat as seen from above and which are brought into contact with the outside of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest points at 40 percent and 75 percent of the boat's length behind the most forward point of the boat are level.

(i) "Transom" means the surface at the stern of a boat projecting or facing aft. The upper boundary of the transom is the line defined by a series of points of contact, with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical longitudinal plane and which are brought into contact with the stern of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest

points at 40 percent and 75 percent of the boat's length behind the most forward point of the boat are level.

(j) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

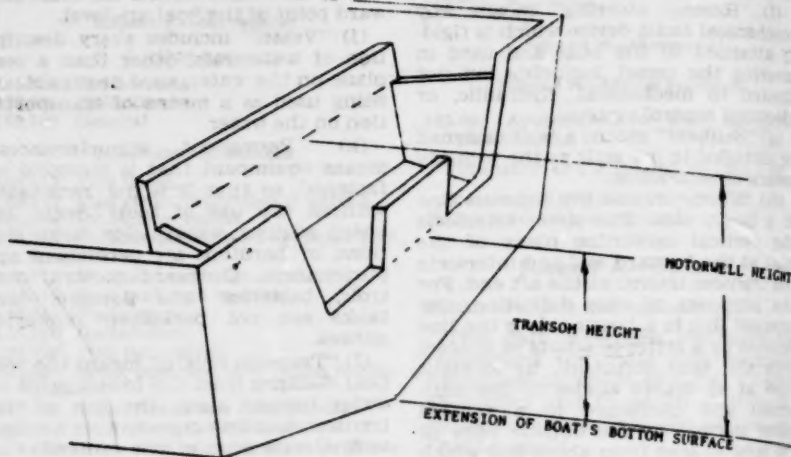
(k) "Permanent appurtenances" means equipment that is mounted or fastened, so that it is not removable without the use of tools. Seats, inboard engines, windshields, helm stations, or hardtops are permanent appurtenances. Outboard motors, controls, batteries, and portable fuel tanks are not permanent appurtenances.

(l) "Transom height" means the vertical distance from the lowest point of water ingress along the top of the transom to a line representing a longitudinal extension of the centerline of the boat's bottom surface, excluding keels. This distance is measured as a projection on the centerline plane of the boat. See Figure 183.3.

(m) "Motorwell" means any arrangement of bulkheads or structures that prevents water from entering the passenger carrying area of the boat through any cutout area in the transom for mounting an outboard motor.

(n) "Motorwell height" means the vertical distance from the lowest point of water ingress along the top of the motorwell to a line representing a longitudinal extension of the centerline of the boat's bottom surface, excluding keels. This distance is measured as a projection on the centerline plane of the boat. See Figure 183.3.

Figure 183.3.—Transom and Motorwell Height



[CGD 73-250, 40 FR 43856, Sept. 23, 1975, as amended by CGD 75-176, 42 FR 2681, Jan. 11, 1977; CGD 85-002, 51 FR 37574, Oct. 23, 1986]

§ 183.5 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the *FEDERAL REGISTER* and the material made available to the public. All approved material is on file at the Office of the Federal Register, 1100 L Street NW., Washington, DC, and at the United States Coast Guard Recreational Boating Product Assurance Branch, Washington, DC 20593-0001, and is available from the sources listed in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part, and the sections affected are:

Air Movement and Control Association, 30 W. University Drive, Arlington Heights, IL 60004:

AMCA 210-74: Laboratory Methods of Testing Fans for Ratings—1974. § 183.610

American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

ASTM D-471 Rubber Property—Effect of Liquids—1979. § 183.114
183.516
183.620

ASTM D-1621 Compressive Strength of Rigid Cellular Plastics—1979. § 183.516

ASTM D-1622 Apparent Density, of Rigid Cellular Plastics—1983. § 183.516

ASTM D-2842 Water Absorption of Rigid Cellular Plastics—1975. § 183.114

Institute of Electrical and Electronics, Engineers, Inc., 3435 East 47th Street, New York, NY 10017:

IEEE 45 IEEE Recommended Practice for Electrical Installations on Shipboard—1983. § 183.435

National Fire Protection Association, Batterymarch Park, Quincy, MA 02269:

NFPA No. 70 National Electrical Code—1987. § 183.435

Articles 310 & 400.

Napoli Publications Forms
Center, Customer Service—
Code 1052, 5801 Tabor
Avenue, Philadelphia, PA
19120:

MILSPEC-P-21929B Plastic Material, Cellular Polyurethane, Foam-In-Place, Rigid—1970. § 183.516

Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096:

SAE J378 Marine Engine Wiring—1984. § 183.430

SAE J557 High Tension Ignition Cable—1968. § 183.440

SAE J1127 Battery Cable—1980. § 183.430

SAE J1128 Low Tension Primary Cable—1975. § 183.430

SAE J1527/DEC85 Marine Fuel Hoses—1985. § 183.540

Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062:

UL 1114 Marine (USCG Type A) Flexible Fuel Line Hose—1987. § 183.540

UL 1128 Marine Blowers—1977. § 183.610

UL 1426 Cables for Boats—1987. § 183.435

[CGD 87-009, 53 FR 36971, Sept. 23, 1988]

Subpart B—Display of Capacity Information

§ 183.21 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats.

§ 183.23 Capacity marking required.

Each boat must be marked in the manner prescribed in §§ 183.25 and 183.27 with the maximum persons capacity in whole numbers of persons and in pounds, the maximum weight capacity in pounds, determined under §§ 183.33 through 183.43, and the maximum horsepower capacity determined under § 183.53 or the statement "This Boat Not Rated for Propulsion by Motor".

[CGD 78-034, 45 FR 2029, Jan. 10, 1980]

§ 183.25 Display of markings.

(a) Each marking required by § 183.23 must be permanently displayed in a legible manner where it is clearly visible to the operator when getting the boat underway.

(b) The information required by § 183.23 must be displayed in the following manner:

(1) For outboard boats:

U.S. Coast Guard Maximum Capacities

XX Persons or XXX Pounds

XXX Pounds, persons, motor, gear

XXX Horsepower, motor

or

U.S. Coast Guard Maximum Capacities

XX Persons or XXX Pounds

XXX Pounds, persons, motor, gear

XXX Horsepower, motor with remote steering

XXX Horsepower, motor without remote steering

(2) For inboard boats and inboard-outboard boats:

U.S. Coast Guard Maximum Capacities

XX Persons or XXX Pounds

XXX Pounds, persons, gear

(3) For boats rated for motors of 2 horsepower or less:

U.S. Coast Guard Maximum Capacities

XX Persons or XXX Pounds

XXX Pounds, persons, motor, gear

XXX Horsepower, motor

(4) For boats rated for manual propulsion:

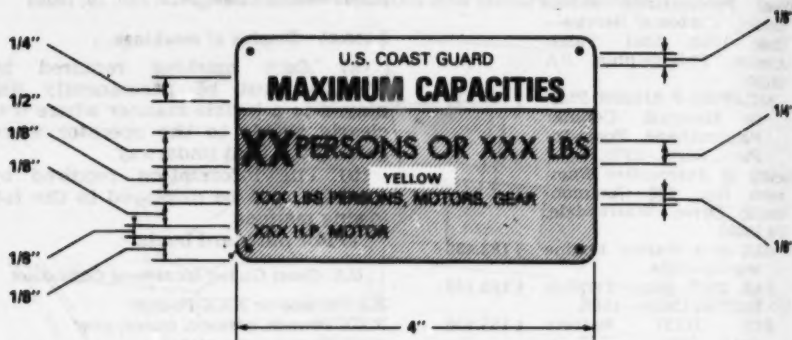
U.S. Coast Guard Maximum Capacities

XX Persons or XXX Pounds

XXX Pounds, persons, gear

This Boat Not Rated for Propulsion by Motor

(c) The capacity information displays required in paragraph (b) must meet the following as illustrated in Figure 183.25:



All Dimensions Are Minimum

FIGURE 183.25

(1) The capacity information required in § 183.23 must be displayed within a yellow area that—

(i) Is at least 4 inches wide; and
(ii) Is high enough that each line of print is separated by at least 1/8 inch from each other and from the borders of the yellow area;

(2) The persons capacity in whole numbers must be black print with the following dimensions:

(i) The height must not be smaller than one-half inch;

(ii) The width of the numbers must be three-fifths of the height except for the number "4", which shall be one stroke width wider, and the number "1", which shall be one stroke in width;

(iii) The stroke width shall be one-sixth of the height; and

(iv) The minimum space between the numbers shall be one stroke width.

(3) The words in the line "XX Persons or XXX Pounds" must be at least one-quarter inch in height but not larger than one-half the height of the persons capacity number and of a color contrasting with yellow. The number of pounds in this line must be at least one-eighth inch in height but no larger than one-half the height of the persons capacity number and of a color contrasting with yellow.

(4) All remaining words and numbers required to be within the yellow area required in paragraph (c)(1) must be at least one-eighth inch in height, but no larger than one-half the height of the persons capacity number.

(5) All other words and numbers on the displays must be located outside the yellow area on a background color which contrasts with yellow.

(6) The words "Maximum Capacities" must be at least one-quarter inch in height and of color contrasting with its background.

(7) The words "U.S. Coast Guard" must be at least one-eighth inch in height and of color contrasting with its background.

[CGD 78-034, 45 FR 2029, Jan. 10, 1980]

§ 183.27 Construction of markings.

Each marking required by § 183.23 must be—

(a) Capable of withstanding the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal operation of the boat, without loss of legibility; and

(b) Resistant to efforts to remove or alter the information without leaving some obvious sign of such efforts.

[CGD 78-034, 45 FR 2030, Jan. 10, 1980]

Subpart C—Safe Loading**§ 183.31 Applicability.**

This subpart applies to monohull boats less than 20 feet in length except sailboats, canoes, kayaks, and inflatable boats.

$$W = \frac{(\text{maximum displacement})}{5} - \frac{\text{boat weight}}{5} - \frac{4 (\text{machinery weight})}{5}$$

OR

$$W = \frac{(\text{maximum displacement} - \text{boat weight})}{7}$$

(b) For the purposes of paragraph (a) of this section:

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

(2) "Boat weight" is the combination of:

- (i) Hull weight;
- (ii) Deck and superstructure weight;
- (iii) Weight of permanent appurtenances; and
- (iv) Weight of full permanent fuel tanks.

(3) "Machinery weight" is the combined weight of installed engines or motors, control equipment, drive units, and batteries.

[CGD 72-61R, 37 FR 15782, Aug. 4, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 183.33, see the List of

§ 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

(a) The maximum weight capacity (W) marked on a boat that has one or more inboard or inboard-outdrive units for propulsion must not exceed the greater value of W obtained from either of the following formulas:

CFR Sections Affected in the Finding Aids section of this volume.

§ 183.35 Maximum weight capacity: Outboard boats.

(a) The maximum weight capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must be a number that does not exceed one-fifth of the difference between its maximum displacement and boat weight.

(b) For the purposes of paragraph (a) of this section:

(1) "Maximum displacement" is the weight of the volume of water displayed by the boat at its maximum level immersion in calm water without water coming aboard except for water coming through one opening in the motor well with its greatest dimension not over 3 inches for outboard motor controls or fuel lines. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

§ 183.37

(2) "Boat weight" is the combination of:

- (i) Hull weight;
- (ii) Deck and superstructure weight;
- (iii) Weight of permanent appurtenances; and
- (iv) Weight of full permanent fuel tanks.

[CGD 72-61, 37 FR 15782, Aug. 4, 1972, as amended by CGD 73-250, 40 FR 43857, Sept. 23, 1975; CGD 75-176, 42 FR 2681, Jan. 13, 1977]

§ 183.37 Maximum weight capacity: Boats rated for manual propulsion and boats rated for motors of two horsepower or less.

(a) The maximum weight capacity marked on a boat that is rated for manual propulsion or for motors of two horsepower or less must not exceed 3/10 of the difference between the boat's maximum displacement and the boat's weight in pounds.

(b) For the purposes of paragraph (a) of this section:

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

(2) "Boat weight" is the combination of:

- (i) Hull weight;
- (ii) Deck and superstructure weight; and
- (iii) Weight of permanent appurtenances.

[CGD 72-61R, 37 FR 15782, Aug. 4, 1972]

EDITORIAL NOTE: FOR FEDERAL REGISTER citations affecting § 183.37, see the List of CFR Sections Affected in the Finding Aids section of this volume.

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§ 183.39 Persons capacity: Inboard and inboard-outdrive boats.

(a) The persons capacity in pounds marked on a boat that is designed to use one or more inboard engines or inboard-outdrive units for propulsion must not exceed the lesser of:

(1) The maximum weight capacity determined under § 183.33 for the boat; or

(2) For boats with a maximum persons capacity less than 550 pounds, the maximum persons capacity determined in the following manner:

(i) Float the boat in calm water with all its permanent appurtenances, including installed engines, full fuel system and tanks, control equipment, drive units and batteries.

(ii) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area, but no higher than the height of the gunwale and distributed equally forward and aft of that center in a plane parallel to the floorboards, until the boat assumes the maximum list or trim or both, without water coming aboard.

(iii) Compute the persons capacity in pounds in the following formula: Persons capacity = $A/0.6$ where A is the total of the weights added in paragraph (a)(2)(ii) of this section.

(b) The maximum persons capacity in whole numbers of persons marked on a boat that is designed or intended to use one or more inboard engines or inboard-outboard units must not exceed the value obtained by adding 32 pounds to the value determined in paragraph (a)(2)(iii), dividing the sum by 141 and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next whole integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

[CGD 78-034, 45 FR 2030, Jan. 10, 1980, as amended by CGD 83-012, 49 FR 39328, Oct. 5, 1984; 50 FR 18636, May 2, 1985]

§ 183.41 Persons capacity: Outboard boats.

(a) The persons capacity in pounds marked on a boat that is designed to use one or more outboard motors for

propulsion must not exceed the lesser of:

(1) The maximum weight capacity determined under § 183.35 for the boat minus the motor and control weight, battery weight (dry), and full portable fuel tank weight from Table 4 of Subpart H of this part; or

(2) For boats with a maximum persons capacity less than 550 pounds, the maximum persons capacity determined in the following manner:

(i) Float the boat with all its permanent appurtenances.

(ii) Add, in normal operating positions, the dry motor and control weight, battery weight, and full portable fuel tank weight, if any, shown in Table 4 of Subpart H of this part for the maximum horsepower capacity marked on the boat. Permanently installed fuel tanks shall be full of fuel.

(iii) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area, but no higher than the height of the gunwale, and distributed equally forward and aft of that center in a plane parallel to the floorboards until the boat assumes the maximum list or trim, or both without water coming aboard.

(iv) Compute the persons capacity in pounds using the following formula: Persons capacity = $A/0.6$ where A is the total of the weights added in paragraph (a)(2)(iii) of this section.

(b) The maximum persons capacity in whole numbers of persons marked on a boat designed or intended to use one or more outboard motors for propulsion must not exceed the value obtained by adding 32 pounds to the lesser of the values determined in paragraph (a)(1) or (a)(2)(iv), dividing the sum by 141, and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next lower whole integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

[CGD 78-034, 45 FR 2030, Jan. 10, 1980, as amended by CGD 83-012, 49 FR 39326, Oct. 8, 1984; 50 FR 18636, May 2, 1985]

§ 183.43 Persons capacity: Boats rated for manual propulsion and boats rated for motors of 2 horsepower or less.

(a) The persons capacity in pounds marked on a boat that is rated for manual propulsion or for motors of 2 horsepower or less must not exceed:

(1) For boats rated for manual propulsion, 90 percent of the maximum weight capacity in pounds; and

(2) For boats rated for motors of 2 horsepower or less, 90 percent of the maximum weight capacity in pounds, less 25 pounds.

(b) The maximum persons capacity, in whole numbers of persons marked on a boat that is rated for manual propulsion must not exceed the value obtained by adding 32 pounds to the value determined in paragraph (a)(1), dividing the sum by 141, and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next lower integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

(c) The maximum persons capacity in whole numbers of persons marked on a boat rated for motors of 2 horsepower or less must not exceed the value obtained by adding 32 pounds to the value determined in paragraph (a)(2), dividing the sum by 141, and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next lower whole integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

[CGD 78-034, 45 FR 2031, Jan. 10, 1980]

Subpart D—Safe Powering

§ 183.51 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats, that are designed or intended to use one or more outboard motors for propulsion.

§ 183.53 Horsepower capacity.

The maximum horsepower capacity marked on a boat must not exceed the

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horsepower capacity determined by the computation method discussed in paragraph (a) of this section, or for certain qualifying boats, the performance test method discussed in paragraph (b) of this section.

(a) The maximum horsepower capacity must be computed as follows:

(1) Compute a factor by multiplying the boat length in feet by the maximum transom width in feet excluding handles and other similar fittings, attachments, and extensions. If the boat does not have a full transom, the transom width is the broadest beam in the aftermost quarter length of the boat.

(2) Locate horsepower capacity corresponding to the factor in Table 183.53.

(3) For a boat with a factor over 52.5, if the horsepower capacity calculated in Table 183.53 is not an exact multiple of 5, it may be raised to the next exact multiple of 5.

(4) For flat bottom hard chine boats with a factor of 52 or less, the horsepower capacity must be reduced by one horsepower capacity increment in Table 183.53.

TABLE 183.53—OUTBOARD BOAT HORSEPOWER CAPACITY

[Compute: Factor = Boat Length X Transom Width]

If factor (nearest integer) is.....	0-35	36-39	40-42	43-45	46-52
Horsepower Capacity is.....	3	5	7.5	10	15

[Note: For flat bottom hard chine boats, with factor of 52 or less, reduce one capacity limit (e.g. 5 to 3)]

If factor is over 52.5 and the boat has	Remote steering and at least 20" transom height	No remote steering, or less than 20" transom height	
		For flat bottom hard chine boats	For other boats
Horsepower capacity is (raise to nearest multiple of 5).	(2 X Factor) - 90	(0.5 X Factor) - 15	(0.8 X Factor) - 25

(b) For boats qualifying under this paragraph, the performance test method described in this paragraph may be used to determine the horsepower capacity.

(1) *Qualifying criteria.*

(i) Thirteen feet or less in length;

(ii) Remote wheel steering;

(iii) Transom height

(A) Minimum 19 inch transom height; or,

(B) For boats with at least a 19 inch motorwell height, a minimum 15 inch transom height;

(iv) Maximum persons capacity not over two persons;

(2) *Boat preparation.*

(i) The boat must be rigged with equipment recommended or provided by the boat and motor manufacturer and tested with the highest horsepower production powerplant for which the boat is to be rated, not to exceed 40 horsepower.

(ii) Standard equipment must be installed in accordance with manufacturers' instructions.

(iii) The lowest ratio (quickest) steering system offered on the boat model being tested must be installed.

(iv) The outboard motor must be fitted with the manufacturer's recommended propeller providing maximum speed.

(v) Standard permanently installed fuel tanks must be no more than one-half full. Boats without permanent tanks must be tested with one full portable tank.

(vi) Portable tanks must be in their designated location or placed as far aft as possible.

(vii) The outboard motor must be placed in the lowest vertical position on the transom or, if mounting instructions are provided with the boat, at the height recommended.

(viii) Boat bottom, motor and propeller must be in new or almost new condition.

NOTE: The use of the following special equipment should be considered because of the potential for exceeding the capabilities of the boat while performing the test:

Racing Type Personal Flotation Device
Helmet.

(3) *Test conditions.* Testing must be conducted on smooth, calm water with the wind speed below 10 knots. The test must be conducted with no load other than a driver who must weigh no more than 200 pounds. The motor trim angle must be adjusted to provide maximum full throttle speed short of excessive porpoising or propeller ventilation or "cavitation", so that there is no loss of directional control.

(4) *Quick turn test procedure.* Set throttle at a low maneuvering speed and steer the boat straight ahead. Turn the steering wheel 180° in the direction of least-resistance in ½ second or less and hold it at that position without changing the throttle or trim settings during or after the wheel change. The boat completes the maneuver successfully if it is capable of completing a 90° turn without the driver losing control of the boat or reducing the throttle setting. Gradually increase the boat's turn entry speed incrementally until the boat does not complete the Quick Turn Test successfully or successfully completes it at maximum throttle.

NOTE: It is recognized that operator skill and familiarity with a particular boat and motor combination will affect the test results. It is permissible to make a number of practice runs through the quick turn test at any throttle setting.

(5) *Test course method.* Set throttle for 30 miles per hour boat speed and run the test course set up in accordance with Figure 183.53, passing outside the designated avoidance marker for 35 to 37.5 miles per hour without contacting any of the course markers. If the boat successfully completes this run of the test course, increase the throttle setting to 35 to 37.5 miles per hour boat speed and run the course passing outside the designated avoidance marker for that speed without contacting any of the course markers. If the boat successfully completes this

run of the test course and the motor was not at full throttle, increase the throttle setting to 37.5 to 42.5 miles per hour boat speed and run the course passing outside the designated avoidance marker for that speed without contacting any of the course markers. If the boat successfully completes this run of the test course and the motor was not at full throttle, increase the throttle setting to 42.5 miles per hour or more and run the course passing outside the designated avoidance marker for that speed without contacting any of the course markers. If the boat successfully completes this run of the test course and the motor was not at full throttle, continue to increase the throttle setting and run the test course passing outside the designated avoidance marker for 42.5 miles per hour or more until the boat fails to complete the test successfully or the boat completes the test course maneuvers successfully at full throttle. The boat successfully completes the test course if the driver is able to maneuver it between the designated avoidance markers without striking the markers and without losing control of the boat or reducing the throttle setting. There must be no change in position of any equipment on board and there must be no change of position of personnel in order to influence the test results. There must be no instability evidenced by oscillating motion in the roll or yaw axes exhibited while negotiating the course.

NOTE: It is recognized that operator skill and familiarity with a particular boat and motor combination will affect the test results. It is therefore considered permissible to make a number of practice runs through the test course at any throttle setting.

(6) *Maximum horsepower capacity.*

(i) For boats capable of less than 35 miles per hour, the maximum horsepower capacity must be the maximum horsepower with which the boat was able to successfully complete the Quick Turn Test Procedure in § 183.53(b)(4) at full throttle or the maximum horsepower determined under the calculations in § 183.53(a) of this section.

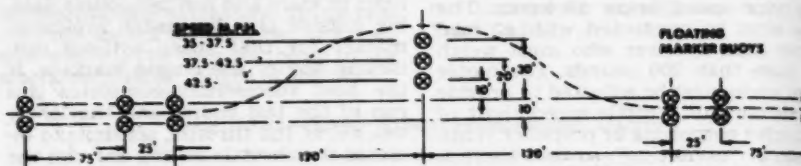
(ii) For boats capable of 35 miles per hour or more, the maximum horse-

power capacity must be the maximum horsepower with which the boat was able to successfully complete both the Quick Turn Test Procedure in § 183.53(b)(4) and the Test Course Method in § 183.53(b)(5) at full throt-

tle or the calculations in § 183.53(a) of this section.

(iii) The maximum horsepower capacity determined in accordance with § 183.53(b) must not exceed 40 horsepower.

Figure 183.53.—Boat Horsepower Capacity Test Course—35 mph or more



[CGD 85-002, 51 FR 37574, Oct. 23, 1986]

Subpart E—[Reserved]

Subpart F—Flotation Requirements for Inboard Boats, Inboard/Outdrive Boats, and Airboats

SOURCE CGD 75-168, 42 FR 20243, Apr. 18, 1977, unless otherwise noted.

§ 183.101 Applicability.

This subpart applies to monohull inboard boats, inboard/outdrive boats, and airboats less than 20 feet in length, the construction or assembly of which is begun after July 31, 1978, except sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.105 Quantity of flotation required.

(a) Each boat must have enough flotation to keep any portion of the boat above the surface of the water when the boat has been submerged in calm, fresh water for at least 18 hours and loaded with:

(1) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat;

(2) A weight that, when submerged, equals 25 percent of the dead weight; and

(3) A weight in pounds that, when submerged, equals 62.4 times the volume in cubic feet of the two largest air chambers, if air chambers are used for flotation.

(b) For the purpose of this section "dead weight" means the maximum weight capacity marked on the boat minus the persons capacity marked on the boat.

§ 183.110 Definitions.

For the purpose of this subpart: "ASTM" means American Society for Testing and Materials. The Coast Guard incorporates by reference ASTM Standard D-471, dated May 28, 1975, in § 183.114 of this subpart. This incorporation by reference was approved by the Director of the Office of the Federal Register on December 6, 1977. The Coast Guard also incorporates by reference ASTM Standard 2482, dated November 14, 1969 (revised 1975), in § 183.114 of this subpart. This incorporation by reference was approved by the Director of the Office of the Federal Register on September 11, 1978. The incorporated standards are available for inspection at Coast Guard Headquarters, Room 4210, Transport Building, 2100 Constitution St., SW., Washington DC 20593 and the Office of the Federal Register.

Library, Room 8401, 1100 L St., NW., Washington DC 20408. The incorporated standards may be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.

"Bilge" means the area in the boat, below a height of 4 inches measured from the lowest point in the boat where liquid can collect when the boat is in its static floating position, except engine rooms.

"Connected" means allowing a flow of water in excess of one-quarter ounce per hour from the engine room bilge into any other compartment with a 12 inch head of water on the engine room side of the bulkhead.

"Engine room bilge" means the area in the engine room or a connected compartment below a height of 12 inches measured from the lowest point where liquid can collect in these compartments when the boat is in its static floating position.

"Engine room" means the compartment where a permanently installed gasoline or diesel engine is installed, including connected compartments.

"Open to atmosphere" means a compartment that has at least 15 square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume.

"Sealed compartment" means an enclosure that can resist an exterior water level of 12 inches without seepage of more than one-quarter fluid ounce per hour.

[CGD 77-145, 43 FR 56858, Dec. 4, 1978, as amended by CGD 82-010, 48 FR 8273, Feb. 28, 1983; CGD 85-096, 52 FR 19728, May 27, 1987]

§ 183.112 Flotation material and air chambers.

(a) Flotation materials must meet the requirements in § 183.114 as listed in Table 183.114 when used in the: (1) Engine room bilge, (2) engine room, or (3) bilge, unless located in a sealed compartment.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

[CGD 77-145, 43 FR 56859, Dec. 4, 1978; 44 FR 47934, Aug. 16, 1979]

§ 183.114 Test of flotation materials.

(a) *Vapor test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed in a fully saturated gasoline vapor atmosphere for 30 days at a minimum temperature of 38° C.

(b) *24-hour gasoline test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 24 hours at 23 plus or minus 2° C in reference fuel B, of ASTM D-471.

(c) *30-day gasoline test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 30 days at 23 plus or minus 2° C in reference fuel B, of ASTM D-471.

(d) *24-hour oil test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 24 hours at 23 plus or minus 2° C in reference oil No. 2, of ASTM D-471.

(e) *30-day oil test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 30 days at 23 plus or minus 2° C in reference oil No. 2, of ASTM D-471.

(f) *24-hour bilge cleaner test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 24 hours at 23 plus or minus 2° C in a 5-percent solution of trisodium phosphate in water.

(g) *30-day bilge cleaner test.* The flotation material must not reduce in buoyant force more than 5 percent after being immersed for 30 days at 23 plus or minus 2° C in a 5-percent solution of trisodium phosphate in water.

(h) The buoyant force reduction in paragraphs (a) through (g) of this section is measured in accordance with ASTM D-2842.

TABLE 183.114—FLotation PERFORMANCE TESTS

Test 183.114	Area 183.110		
	(b) Engine-room bilge	(c) Engine-room unless open to atmosphere	(d) Bilge
(a) Vapor test		X	
(b) 24 hour gasoline test			X
(c) 30 day gasoline test	X		
(d) 24 hour oil test			X
(e) 30 day oil test	X		
(f) 24 hour bilge cleaner test			X
(g) 30 day bilge cleaner test	X		

[CGD 77-145, 43 FR 56859, Dec. 4, 1978; 44 FR 47934, Aug. 16, 1979]

Subpart G—Flotation Requirements for Outboard Boats Rated for Engines of More Than 2 Horsepower

SOURCE CGD 75-168; 42 FR 20243, Apr. 18, 1977, unless otherwise noted.

GENERAL

§ 183.201 Applicability.

(a) This subpart applies to monohull outboard boats that are:

- (1) Less than 20 feet in length;
- (2) Rated for outboard engines of more than 2 horsepower; and
- (3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.202 Flotation and certification requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in §§ 183.225(a), 183.230(a), and 183.235(a).

§ 183.205 Passenger carrying area.

(a) For the purpose of this section a boat is level when it is supported on its

keel at the two points shown in Figure 2.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 3 through 8.

(c) The length of the passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area when the boat is level as illustrated in Figures 3 and 4. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 5. For boats with cabins, the forward vertical line is where a minimum distance of two feet between the inside top of the cabin and the water line formed when the boat is swamped and loaded with weights under § 183.220 as illustrated in Figure 6.

(d) The breadth of each passenger carrying area is the distance between two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 7 and 8. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 8.

§ 183.210 Reference areas.

(a) The forward reference area of a boat is the forward most 2 feet of the top surface of the hull or deck, as illustrated in Figure 9.

(b) The aft reference area of a boat is the aft most two feet of the top surface of the hull or deck, as illustrated in Figure 9.

§ 183.215 Reference depth.

Reference depth is the minimum distance between the uppermost surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the

boat, as illustrated in Figure 10. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

§ 183.230 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.225, 183.230, and 183.235:

(a) Manufacturer supplied permanent appurtenances such as windshields and convertible tops must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) The sum of 50 percent of 550 pounds of the persons capacity marked on the boat and 12½ percent of the remainder of the persons capacity.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: The maximum weight capacity marked on the boat; less the weight shown in Column 6 of Table 4 for maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section must be placed in the boat so that the center of gravity of each amount of weight required by paragraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 11. The location and dimensions of the shaded area are as follows:

(1) The shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) The length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) The breadth of the shaded area, measured at the midlength of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls and the battery in lieu of this equipment. The required quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Columns 2 and 4 of Table 4 for the swamped weight of the motor and controls and for the submerged weight or the battery, respectively.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

(h) Water must flood the two largest air chambers and all air chambers integral with the hull.

§ 183.222 Flotation material and air chambers.

(a) Flotation materials must meet the requirements in § 183.114 as listed in Table 183.114 when used in the bilge, unless located in a sealed compartment.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

[CGD 77-145, 43 FR 56859, Dec. 4, 1978; 44 FR 47934, Aug. 16, 1979]

TESTS

§ 183.225 Flotation test for persons capacity.

Flotation standard. When the conditions prescribed in § 183.220 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the refer-

§ 183.230

ence area that is above the surface of the water is 6 inches or less.

§ 183.230 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.220 (a), (d) through (h) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not exceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) One-half of the quantity of weight required by § 183.220(b)(1).

(2) The quantity of weight required by § 183.220(b)(2).

(c) *Placement of quantity of weight: starboard side.* Place the weight required by paragraph (b) of this section in the boat so that:

(1) The quantity of weight required by § 183.220(b)(2) is positioned in accordance with § 183.220(c); and

(2) One-half the quantity of weight required by § 183.220(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 12, the center of gravity of the amount of weight placed on the floor of the boat is at least 4 inches above the floor, and the center of gravity of the amount of weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from:

(A) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and

(B) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 13.

(d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

§ 183.235 Level flotation test without weights for persons capacity.

When the conditions prescribed in § 183.220 (a), (d) through (h) are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

Subpart H—Flotation Requirements for Outboard Boats Rated for Engines of 2 Horsepower or Less

SOURCE: CGD 75-168, 42 FR 20245, Apr. 18, 1977, unless otherwise noted.

GENERAL

§ 183.301 Applicability.

(a) This subpart applies to monohull boats that are:

(1) Less than 20 feet in length;

(2) Rated for manual propulsion or outboard engines of 2 horsepower or less; and

(3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.302 Flotation requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in §§ 183.325(a), 183.330(a), and 183.335(a).

§ 183.305 Passenger carrying area.

(a) For the purpose of this section, a boat is level when it is supported on its keel at the two points shown in Figure 2.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 3 through 8.

(c) The length of each passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area, when the boat is level, as illustrated in Figures 3 and 4. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 5. For boats with cabins, the forward vertical line is where there is a minimum distance of two feet between the inside top of the cabin and the water line formed when the boat is swamped and loaded with weights under § 183.320 as illustrated in Figure 6.

(d) The breadth of the passenger carrying area is the distance between two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 7 and 8. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 7.

[CGD 75-168, 42 FR 20245, Apr. 18, 1977; 42 FR 24738, May 16, 1977]

§ 183.310 Reference areas.

(a) The forward reference area of a boat is the forwardmost 2 feet of the

top surface of the hull or deck as illustrated in Figure 9.

(b) The aft reference area of a boat is the aftmost two feet of the top surface of the hull or deck, as illustrated in Figure 9.

§ 183.315 Reference depth.

Reference depth is the minimum distance between the uppermost surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the boat, as illustrated in Figure 10. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

§ 183.320 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.325, 183.330, and 183.335:

(a) Manufacturer supplied permanent appurtenances such as windshields, and convertible tops must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) Two-fifteenths of the persons capacity marked on the boat.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: the maximum weight capacity marked on the boat; less the weight shown in column 6 of Table 4 for the maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section are placed in the boat so that the center of gravity of each amount of weight required by paragraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 11. The location and dimensions of the shaded area are as follows:

(1) The shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) The length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) The breadth of the shaded area, measured at the mid-length of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls in lieu of this equipment. The quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Column 2 of Table 4 for the swamped weight of the motor and controls.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and the outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

§ 183.322 Flotation materials.

(a) Flotation materials must meet the requirements in § 183.114 as listed in Table 183.114 when used in the bilge, unless located in a sealed compartment.

[CGD 77-145, 43 FR 56859, Dec. 4, 1978; 44 FR 47934, Aug. 16, 1979]

TESTS

§ 183.325 Flotation test for persons capacity.

Flotation standard. When the conditions prescribed in § 183.320 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

§ 183.330 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.320 (a), (d) through (g) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not exceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with quantity of weight that, when submerged, is equal to the sum of the following:

(1) One-half the quantity of weight required by § 183.320(b)(1).

(2) The quantity of weight required by § 183.320(b)(2).

(c) *Placement of quantity of weight starboard side.* Place the quantity of weight required by paragraph (b) of this section in the boat so that:

(1) The quantity of weight required by § 183.320(b)(2) is positioned in accordance with § 183.320(c); and

(2) One-half the quantity of weight required by § 183.320(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 12, the center of gravity of the amount of weight placed on the floor of the boat is at least 4 inches above the floor and the center of gravity of the amount of weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from:

- (a) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and
- (b) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 13.
- (d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

- the boat must float in fresh, calm water as follows:
- (a) The angle of the heel does not exceed 10 degrees from the horizontal.
 - (b) Any point on either the forward or aft reference area is above the surface of the water.
 - (c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

§183.335 Level flotation test without weights for persons capacity.
When the conditions prescribed in §183.320 (a), (d) through (g) are met,

TABLE 4—WEIGHTS (POUNDS) OF OUTBOARD MOTOR AND RELATED EQUIPMENT FOR VARIOUS BOAT HORSEPOWER RATINGS

Boat horsepower rating	Motor and control weight		Battery weight		Full portable fuel tank weight	1+3+5
	Dry	Swamped	Dry	Submerged		
Column No.						
	1	2	3	4	5	6
0.1 to 2.....	25	20				25
2.1 to 3.9.....	40	34				40
4.0 to 7.....	60	52			25	35
7.1 to 15.....	90	82	20	11	50	160
15.1 to 25.....	125	105	45	25	50	220
25.1 to 45.....	170	143	45	25	100	315
45.1 to 60.....	235	195	45	25	100	380
60.1 to 80.....	280	235	45	25	100	425
80.1 to 145.....	405	352	45	25	100	550
145.1 to 275.....	430	380	45	25	100	575
275.1 and up.....	605	538	45	25	100	750
TWIN ENGINES DESIGNED FOR TWIN MOTORS						
50.1 to 90.....	340	286	90	50	100	530
90.1 to 120.....	470	390	90	50	100	660
120.1 to 180.....	560	470	90	50	100	750
180.1 to 290.....	810	704	90	50	100	1000
290.1 to 550.....	860	760	90	50	100	1050
550.1 and up.....	1210	1075	90	50	100	1400

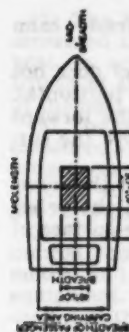


FIGURE 1. PASSENGER CARRYING AREA LOCATION OF CENTER OF GRAVITY OF WEIGHTS

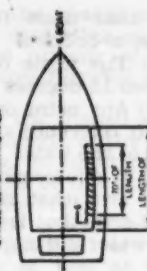


FIGURE 2. STABILITY TEST LOCATION OF CENTER OF GRAVITY OF WEIGHTS STABOARD SIDE

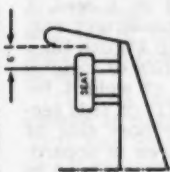


FIGURE 3. LOCATION OF CENTER OF GRAVITY OF WEIGHTS ON SEAT

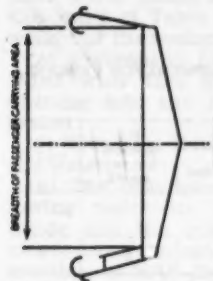


FIGURE 4.



FIGURE 5. BOAT WITH ROUND CHINE

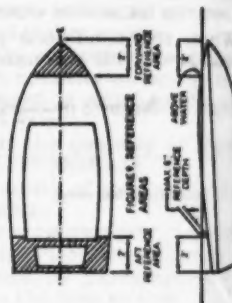


FIGURE 6. BOAT WITH FLARE

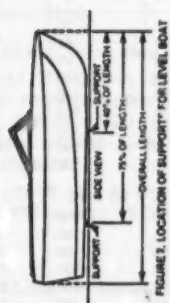


FIGURE 7. LOCATION OF SUPPORT* FOR LEVEL BOAT



FIGURE 8. BOAT WITH DECK



FIGURE 9. BOAT WITH CENTER CONSOLE



FIGURE 10. OPEN BOAT WITH CURVED STEM



FIGURE 11. BOAT WITH FLARE

Subpart I—Electrical Systems

Source: CGD 73-217, 42 FR 5944, Jan. 31, 1977, unless otherwise noted.

GENERAL**§ 183.401 Purpose, applicability, and effective dates.**

(a) This subpart applies to all boats that have gasoline engines for electrical or mechanical power or propulsion, except outboard engines.

(b) [Reserved]

[CGD 73-217, 42 FR 5944, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55736, Dec. 15, 1983]

§ 183.402 Definitions.

As used in this subpart—

(a) "AWG" means American Wire Gauge.

(b) "Electrical component" means electrical equipment such as, but not limited to, conductors, solenoids, motors, generators, alternators, distributors, resistors, appliances and electrical control devices.

(c) "Pigtails" means external power conductors or wires that are part of electrical components and appliances, such as bilge pumps, blowers, lamps, switches, solenoids, and fuses.

(d) "Sheath" means a material used as a continuous protective covering, such as electrical tape, molded rubber, molded plastic, or flexible tubing, around one or more insulated conductors.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977, as amended by CGD 85-098, 52 FR 19728, May 27, 1987]

§ 183.405 General.

Each electrical component on a boat to which this subpart applies must meet the requirements of this subpart unless the component is part of an outboard engine or part of portable equipment.

MANUFACTURER REQUIREMENTS**§ 183.410 Ignition protection.**

(a) Each electrical component must not ignite a propane gas and air mixture that is 4.25 to 5.25 percent propane gas by volume surrounding the electrical component when it is operat-

ed at each of its manufacturer rated voltages and current loadings, unless it is isolated from gasoline fuel sources, such as engines, and valves, connections, or other fittings in vent lines, fill lines, distribution lines or on fuel tanks, in accordance with paragraph (b) of this section.

(b) An electrical component is isolated from a gasoline fuel source if:

(1) A bulkhead that meets the requirements of paragraph (c) of this section is between the electrical component and the gasoline fuel source;

(2) The electrical component is:

(i) Lower than the gasoline fuel source and a means is provided to prevent fuel and fuel vapors that may leak from the gasoline fuel source from becoming exposed to the electrical component; or

(ii) Higher than the gasoline fuel source and a deck or other enclosure is between it and the gasoline fuel source; or

(3) The space between the electrical component and the gasoline fuel source is at least two feet and the space is open to the atmosphere.

(c) Each bulkhead required by paragraph (b)(1) of this section must:

(1) Separate the electrical component from the gasoline fuel source and extend both vertically and horizontally the distance of the open space between the fuel source and the ignition source;

(2) Resist a water level that is 12 inches high or one-third of the maximum height of the bulkhead, whichever is less, without seepage of more than one-quarter fluid ounce of fresh water per hour; and

(3) Have no opening located higher than 12 inches or one-third the maximum height of the bulkhead, whichever is less, unless the opening is used for the passage of conductors, piping, ventilation ducts, mechanical equipment, and similar items, or doors, hatches, and access panels, and the maximum annular space around each item or door, hatch or access panel must not be more than one-quarter inch.

§ 183.415

§ 183.415 Grounding.

If a boat has more than one gasoline engine, grounded cranking motor circuits must be connected to each other by a common conductor circuit that can carry the starting current of each of the grounded cranking motor circuits.

§ 183.420 Batteries.

(a) Each installed battery must not move more than one inch in any direction when a pulling force of 90 pounds or twice the battery weight, whichever is less, is applied through the center of gravity of the battery as follows:

(1) Vertically for a duration of one minute.

(2) Horizontally and parallel to the boat's center line for a duration of one minute fore and one minute aft.

(3) Horizontally and perpendicular to the boat's center line for a duration of one minute to starboard and one minute to port.

(b) Each battery must be installed so that metallic objects cannot come in contact with the ungrounded battery terminals.

(c) Each metallic fuel line and fuel system component within 12 inches and above the horizontal plane of the battery top surface as installed must be shielded with dielectric material.

(d) Each battery must not be directly above or below a fuel tank, fuel filter, or fitting in a fuel line.

(e) A vent system or other means must be provided to permit the discharge from the boat of hydrogen gas released by the battery.

(f) [Reserved]

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(g) Each battery terminal connector must not depend on spring tension for its mechanical connection to the terminal.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55736, Dec. 15, 1983]

§ 183.425 Conductors: General.

(a) Each conductor must be insulated, stranded copper.

(b) Except for intermittent surges each conductor must not carry a current greater than that specified in Table 5 for the conductor's gauge and temperature rating.

(c) For conductors in engine spaces, amperages must be corrected by the appropriate correction factor in note 1 of Table 5.

(d) Each conductor in a multiconductor sheath must be at least a No. 18 AWG conductor.

(e) Each conductor installed separately must be at least a No. 16 AWG conductor.

(f) Each No. 18 AWG conductor in a multiconductor sheath may not extend out of the sheath more than 30 inches.

(g) This section does not apply to communications systems; electronic navigation equipment; electronic circuits having a current flow of less than one ampere; conductors which are totally inside an equipment housing; resistance conductors that control circuit amperage; high voltage secondary conductors and terminations that are in ignition systems; pigtails of less than seven inches of exposed length and cranking motor conductors.

TABLE 5—ALLOWABLE AMPERAGE OF CONDUCTORS

Conductor size (AWG)	Temperature rating of conductor insulation						
	60° C (140° F)	75° C (167° F)	90° C (176° F)	90° C (194° F)	105° C (221° F)	125° C (257° F)	200° C (392° F)
18	10	10	15	20	20	25	25
16	15	15	20	25	25	30	30
14	20	20	25	30	35	40	40
12	25	25	35	40	45	50	50
10	40	40	50	55	60	70	70
8	55	65	70	70	80	90	100
6	80	95	100	100	120	125	135
4	105	125	130	135	160	170	185
3	120	145	150	155	180	195	215
2	140	170	175	180	210	225	240
1	165	195	210	210	245	265	285
0	195	230	245	245	285	305	325

TABLE 5—ALLOWABLE AMPERAGE OF CONDUCTORS—Continued

Conductor size (AWG)	Temperature rating of conductor insulation						
	60° C (140° F)	75° C (167° F)	80° C (176° F)	90° C (194° F)	105° C (221° F)	125° C (257° F)	200° C (392° F)
00	225	265	285	285	330	355	370
000	260	310	330	330	365	410	430
0000	300	360	385	385	445	475	510

NOTES

1. See the following table:

Temperature rating of conductor

60° C (140° F)	75° C (167° F)	80° C (176° F)	90° C (194° F)	105° C (221° F)	125° C (257° F)	200° C (392° F)
0.58	0.75	0.78	0.82	0.85	0.89	1.00

2. See the following table:

Number of current carrying conductors:

3							Correction factor
4 to 6							0.70
7 to 24							.80
25 and above							.50
							.40

[CGD 73-217, 42 FR 5944, Jan. 31, 1977; 42 FR 24739, May 16, 1977, as amended by CGD 81-092, 48 FR 55736, Dec. 15, 1983]

§183.430 Conductors in circuits of less than 50 volts.

(a) Each conductor in a circuit that has a nominal voltage of less than 50 volts must:

(1) Meet the requirements of §183.435; or

(2) Meet:

(i) The insulating material temperature rating requirements of SAE Standard J378; and

(ii) SAE Standard J1127, or SAE Standard 1128.

(b) This section does not apply to communication systems; electronic navigation equipment; resistance conductors that control circuit amperage; and pigtails of less than seven inches of exposed length.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977, as amended by CGD 87-009, 53 FR 36971, Sept. 23, 1988]

§183.435 Conductors in circuits of 50 volts or more.

(a) Each conductor in a circuit that has a nominal voltage of 50 volts or more must be:

(1) A conductor that has insulation listed and classified moisture resistant and flame retardant in Article 310, NFPA No. 70, National Electric Code;

(2) A flexible cord type SO, STO, ST, SJO, SJT, or SJTO listed in Arti-

cle 400, NFPA No. 70, National Electric Code;

(3) A conductor that meets IEEE Standard 45.

(4) A conductor that meets UL Standard 1426.

(b) Where the nominal circuit voltage of each of three or more current carrying conductors in a duct, bundle, or cable is 50 volts or more, the amperages of each of those conductors must not exceed the value in table 5 multiplied by the correction factor in note 2 to Table 5 for the number of conductors that carry 50 volts or more.

(c) This section does not apply to communication systems; electronic navigation equipment; resistance conductors that control circuit amperage; conductors in secondary circuits of ignition systems; and pigtails of less than seven inches of exposed length.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977; 42 FR 24739, May 16, 1977, as amended by CGD 80-047 and CGD 80-048, 45 FR 85450, Dec. 29, 1980; CGD 87-009, 53 FR 36972, Sept. 23, 1988]

§183.440 Secondary circuits of ignition systems.

(a) Each conductor in a secondary circuit of an ignition system must meet SAE Standard J557.

(b) The connection of each ignition conductor to a spark plug, coil, or dis-

tributor must have a tight fitting cap, boots, or nipple.

§ 183.445 Conductors: Protection.

(a) Each conductor or group of conductors that passes through a bulkhead, structural member, junction box, or other rigid surface must be protected from abrasion.

(b) Each ungrounded terminal or stud that is continuously energized must meet § 183.455 or must have a boot, nipple, cap, cover, or shield that prevents accidental short-circuiting at the terminals or studs.

[CGD 81-092, 48 FR 55736, Dec. 15, 1983]

§ 183.455 Overcurrent protection: General.

(a) Each ungrounded current-carrying conductor must be protected by a manually reset, trip-free circuit breaker or fuse.

(b) A manually reset, trip-free circuit breaker or fuse must be placed at the source of power for each circuit or conductor except:

(1) If it is physically impractical to place the circuit breaker or fuse at the source of power, it may be placed within seven inches of the source of power for each circuit or conductor measured along the conductor.

(2) If it is physically impractical to place the circuit breaker or fuse at or within seven inches of the source of power, it may be placed within 40 inches of the source of power for each circuit or conductor, measured along the conductor, if the conductor is contained throughout its entire distance between the source of power and the required circuit breaker or fuse in a sheath or enclosure such as a junction box, control box, or enclosed panel.

(c) The current rating of each circuit breaker or fuse must not exceed:

(1) For circuits of less than 50 volts, 150% of the value of the amperage in Table 5 for the conductor size it is protecting; and

(2) For circuits of 50 volts or more, the value of the amperage in Table 5 for the conductor size it is protecting. If this value does not correspond to a standard size or rated circuit breaker or fuse the next larger size or rated circuit breaker or fuse may be used if it does not exceed 150% of the allowed current capacity of the conductor.

(d) The voltage rating of each circuit breaker or fuse must not be less than the nominal circuit voltage of the circuit it is protecting.

(e) This section does not apply to resistance conductors that control circuit amperage; conductors in secondary circuits of ignition systems; pig-tails of less than seven inches of exposed length; and power supply conductors in cranking motor circuits.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977, as amended by CGD 78-090, 44 FR 68466, Nov. 29, 1979]

§ 183.460 Overcurrent protection: Special applications.

(a) Each ungrounded output conductor from a storage battery must have a manually reset, trip-free circuit breaker or fuse, unless the output conductor is in the main power feed circuit from the battery to an engine cranking motor. The circuit breaker or fuse must be within 72 inches of the battery measured along the conductor, unless, for boats built prior to August 1, 1985, the circuit has a switch that disconnects the battery.

(b) Each ungrounded output conductor from an alternator or generator, except for self-limiting alternators or generators, must have a circuit breaker or fuse that has a current rating that does not exceed 120 percent of the maximum rated current of the alternator or generator at 60° C.

[CGD 73-217, 42 FR 5944, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55736, Dec. 15, 1983]

Subpart J—Fuel Systems

SOURCE: CGD 74-209, 42 FR 5950, Jan. 31, 1977, unless otherwise noted.

GENERAL

§ 183.501 Applicability.

(a) This subpart applies to all boats that have gasoline engines, except outboard engines, for electrical generation or mechanical power for propulsion.

(b) [Reserved]

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55736, Dec. 15, 1983]

§ 183.505 Definitions.

As used in this subpart:

"Flame arrester" means a device or assembly that prevents passage of flame through a fuel vent.

"Fuel system" means the entire assembly of the fuel fill, vent, tank, and distribution components, including pumps, valves, strainers, carburetors, and filters.

"Static floating position" means the attitude in which a boat floats in calm water, with each fuel tank filled to its rated capacity, but with no person or item of portable equipment on board.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 85-098, 52 FR 19728, May 27, 1987]

§ 183.507 General.

Each fuel system component on a boat to which this subpart applies must meet the requirements of this subpart unless the component is part of an outboard engine or is part of portable equipment.

EQUIPMENT STANDARDS

§ 183.510 Fuel tanks.

(a) Each fuel tank in a boat must have been tested by its manufacturer under § 183.580 and not leak when subjected to the pressure marked on the tank label under § 183.514(b)(5).

(b) Each fuel tank must not leak if subjected to the fire test under § 183.590. Leakage is determined by the static pressure test under § 183.580, except that the test pressure must be at least one-fourth PSIG.

(c) Each fuel tank of less than 25 gallons capacity must not leak if tested under § 183.584.

(d) Each fuel tank with a capacity of 25 to 199 gallons must not leak if tested under § 183.586.

(e) Each fuel tank of 200 gallons capacity or more must not leak if tested under §§ 183.586 and 183.588.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55736, Dec. 15, 1983]

§ 183.512 Fuel tanks: Prohibited materials.

(a) A fuel tank must not be constructed from terneplate.

(b) Unless it has an inorganic sacrificial galvanic coating on the inside and outside of the tank, a fuel tank must not be constructed from black iron or carbon steel.

(c) A fuel tank encased in cellular plastic or in fiber reinforced plastic must not be constructed from a ferrous alloy.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977; 42 FR 24739, May 16, 1977]

§ 183.514 Fuel tanks: Labels.

(a) Each fuel tank must have a label that meets the requirements of paragraphs (b) through (d) of this section.

(b) Each label required by paragraph (a) of this section must contain the following information:

(1) Fuel tank manufacturer's name (or logo) and address.

(2) Month (or lot number) and year of manufacture.

(3) Capacity in U.S. gallons.

(4) Material of construction.

(5) The pressure the tank is designed to withstand without leaking.

(6) Model number, if applicable.

(7) The statement, "This tank has been tested under 33 CFR 183.510(a)."

(8) If the tank is tested under § 183.584 at less than 25g vertical accelerations the statement, "Must be installed aft of the boat's half length."

(c) Each letter and each number on a label must:

(1) Be at least 1/8 inch high and

(2) Contrast with the basic color of the label or be embossed on the label.

(d) Each label must:

(1) Withstand the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal operation of the boat, without loss of legibility; and

(2) Resist efforts to remove or alter the information on the label without leaving some obvious sign of such efforts.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55737, Dec. 15, 1983]

§ 183.516 Cellular plastic used to encase fuel tanks.

(a) Cellular plastic used to encase metallic fuel tanks must:

(1) Not change volume by more than five percent or dissolve after being immersed in any of the following liquids for 24 hours at 29° C:

(i) Reference fuel B ASTM D-471.
(ii) No. 2 reference oil of ASTM D-471.

(iii) Five percent solution of trisodium phosphate in water; and

(2) Not absorb more than 0.12 pound of water per square foot of cut surface, measure under Military Specification MIL P-21929B.

(b) Non-polyurethane cellular plastic used to encase metallic fuel tanks must have a compressive strength of at least 60 pounds per square inch at ten percent deflection measured under ASTM D-1621, "Compressive Strength of Rigid Cellular Plastics".

(c) Polyurethane cellular plastic used to encase metallic fuel tanks must have a density of at least 2.0 pounds per cubic foot, measured under ASTM D-1622, "Apparent Density of Rigid Cellular Plastics."

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977; CGD 81-092, 48 FR 55737, Dec. 15, 1983]

§ 183.518 Fuel tank openings.

Each opening into the fuel tank must be at or above the topmost surface of the tank.

§ 183.520 Fuel tank vent systems.

(a) Each fuel tank must have a vent system that prevents pressure in the tank from exceeding 80 percent of the pressure marked on the tank label under § 183.514(b)(5).

(b) Each vent must:

(1) Have a flame arrester that can be cleaned unless the vent is itself a flame arrester; and

(2) Not allow a fuel overflow at the rate of up to two gallons per minute to enter the boat.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

§ 183.524 Fuel pumps.

(a) Each diaphragm pump must not leak fuel from the pump if the primary diaphragm fails.

(b) Each electrically operated fuel pump must not operate except when

the engine is operating or when the engine is started.

(c) If tested under § 183.590, each fuel pump, as installed in the boat, must not leak more than five ounces of fuel in 2½ minutes, inclusive of leaks from fuel line, fuel filter and strainer.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

§ 183.526 Carburetors.

(a) [Reserved]

(b) Each carburetor must not leak more than five cubic centimeters of fuel in 30 seconds when:

(1) The float valve is open;

(2) The carburetor is at half throttle; and

(3) The engine is cranked without starting; or

(4) The fuel pump is delivering the maximum pressure specified by its manufacturer.

(c) Each updraft and horizontal draft carburetor must have a device that:

(1) Collects and holds fuel that flows out of the carburetor venturi section toward the air intake;

(2) Prevents collected fuel from being carried out of the carburetor assembly by the shock wave of a backfire or by reverse air flow; and

(3) Returns collected fuel to the engine induction system after the engine starts.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977]

§ 183.528 Fuel stop valves.

(a) Each electrically operated fuel stop valve in a fuel line between the fuel tank and the engine must:

(1) Open electrically only when the ignition switch is on; and

(2) Operate manually.

(b) If tested in accordance with the fire test under § 183.590, a fuel stop valve installed in a fuel line between requiring metallic fuel lines or "USCG Type A1" hose must not leak fuel.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 85-098, 52 FR 19728, May 27, 1987]

§ 183.530 Spud, pipe, and hose fitting configuration.

Except when used for a tank fill line, each spud, pipe, or hose fitting used with hose clamps must have:

- (a) A bead;
- (b) A flare; or
- (c) A series of annular grooves or serrations no less than 0.015 inches deep, except a continuous helical thread, knurl, or groove.

§ 183.532 Clips, straps, and hose clamps.

(a) Each clip, strap, and hose clamp must:

- (1) Be made from a corrosion resistant material; and
 - (2) Not cut or abrade the fuel line.
- (b) If tested in accordance with the fire test under § 183.590, a hose clamp installed on a fuel line system requiring metallic fuel lines or "USCG Type A1" hose must not separate under a one pound tensile force.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 85-098, 52 FR 19728, May 27, 1987]

§ 183.534 Fuel filters and strainers.

If tested under § 183.590, each fuel filter and strainer, as installed in the boat, must not leak more than five ounces of fuel in 2½ minutes inclusive of leaks from the fuel pump and fuel line.

[CGD 77-98, 42 FR 36253, July 14, 1977]

§ 183.536 Seals and gaskets in fuel filters and strainers.

- (a) [Reserved]
- (b) Each gasket and each sealed joint in a fuel filter and strainer must not leak when subjected for 24 hours to a gasoline that has at least a 50 percent aromatic content at the test pressure marked on the fuel tank label.

[CGD 81-092, 48 FR 55737, Dec. 15, 1983]

§ 183.538 Metallic fuel line materials.

Each metallic fuel line connecting the fuel tank with the fuel inlet connection on the engine must:

- (a) Be made of seamless annealed copper, nickel copper, or copper-nickel; and

(b) Except for corrugated flexible fuel line, have a minimum wall thickness of 0.029 inches.

§ 183.540 Hoses: Standards and markings.

(a) "USCG Type A1" hose means hose that meets the performance requirements of:

- (1) SAE Standard J1527DEC85, Class 1 and the fire test in § 183.590; or

(2) Underwriters' Laboratories, Inc. (UL) Standard 1114.

(b) "USCG Type A2" hose means hose that meets the performance requirements of SAE Standard J1527DEC85, Class 2 and the fire test in § 183.590;

(c) "USCG Type B1" hose means hose that meets the performance requirements of SAE Standard J1527DEC85, Class 1.

(d) "USCG Type B2" hose means hose that meets the performance requirements of SAE Standard J1527DEC85, Class 2.

NOTE: SAE Class 1 hose has a permeation rating of 100 grams or less fuel loss per square meter of interior surface in 24 hours.

SAE Class 2 hose has a permeation rating of 300 grams or less fuel loss per square meter of interior surface in 24 hours.

(e) Each "USCG Type A1," "USCG Type A2," "USCG Type B1," and "USCG Type B2" hose must be identified by the manufacturer by a marking on the hose.

(f) Each marking must contain the following information in English:

- (1) The statement "USCG TYPE (insert A1 or A2 or B1 or B2)."

(2) The year in which the hose was manufactured.

(3) The manufacturer's name or registered trademark.

(g) Each character must be block capital letters and numerals that are at least one eighth-inch high.

(h) Each marking must be permanent, legible, and on the outside of the hose at intervals of 12 inches or less.

[CGD 85-098, 52 FR 19728, May 27, 1987]

§ 183.542 Fuel systems.

(a) Each fuel system in a boat must have been tested by the boat manufac-

turer and not leak when subjected to the greater of the following pressures:

- (1) Three pounds per square inch; or
 - (2) One and one-half times the pressure created in the lowest part of the fuel system when it is filled to the level of overflow with fuel.
- (b) The test pressure shall be obtained with air or inert gas.

[CGD 81-092, 48 FR 55737, Dec. 15, 1983]

MANUFACTURER REQUIREMENTS

§ 183.550 Fuel tanks: Installation.

- (a) Each fuel tank must not be integral with any boat structure or mounted on an engine.
- (b) Each fuel tank must not move at the mounting surface more than one-fourth inch in any direction.
- (c) Each fuel tank must not support a deck, bulkhead, or other structural component.
- (d) Water must drain from the top surface of each metallic fuel tank when the boat is in its static floating position.
- (e) Each fuel tank support, chock, or strap that is not integral with a metallic fuel tank must be insulated from the tank surface by a nonmoisture absorbing material.
- (f) Cellular plastic must not be the sole support for a metallic fuel tank.
- (g) If cellular plastic is the sole support of a non-metallic fuel tank, the cellular plastic must meet the requirements of § 183.516 (b) or (c).
- (h) Each fuel tank labled under § 183.514(b)(8) for installation aft of the boat's half length must be installed with its center of gravity aft of the boat's half length.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55737, Dec. 15, 1983]

§ 183.552 Plastic encased fuel tanks: Installation.

- (a) Each fuel tank encased in cellular plastic foam or in fiber reinforced plastic must have the connections, fittings, and labels accessible for inspection and maintenance.
- (b) If a metallic fuel tank is encased in cellular plastic or in fiber reinforced plastic, water must not collect between the plastic and the surface of the tank

or be held against the tank by capillary action.

- (c) If the plastic is bonded to the surface of a metallic fuel tank, the adhesive strength of the metal to the plastic bond must exceed the cohesive strength of the plastic.

§ 183.554 Fittings, joints, and connections.

Each fuel system fitting, joint, and connection must be arranged so that it can be reached for inspection, removal, or maintenance without removal of permanent boat structure.

§ 183.556 Plugs and fittings.

- (a) A fuel system must not have a fitting for draining fuel.
- (b) A plug used to service the fuel filter or strainer must have a tapered pipethread or be a screw type fitted with a locking device other than a split lock washer.

§ 183.558 Hoses and connections.

- (a) Each hose used between the fuel pump and the carburetor must be "USCG Type A1" hose.
- (b) Each hose used—
 - (1) For a vent line or fill line must be:
 - (i) "USCG Type A1" or "USCG Type A2"; or
 - (ii) "USCG Type B1" or "USCG Type B2" if no more than five ounces of fuel is discharged in 2½ minutes when:
 - (A) The hose is severed at the point where maximum drainage of fuel would occur,
 - (B) The boat is in its static floating position, and
 - (C) The fuel system is filled to the capacity marked on the tank label under § 183.514(b)(3).
 - (2) From the fuel tank to the fuel inlet connection on the engine must be:
 - (i) "USCG Type A1"; or
 - (ii) "USCG Type B1" if no more than five ounces of fuel is discharged in 2½ minutes when:
 - (A) The hose is severed at the point where maximum drainage of fuel would occur,
 - (B) The boat is in its static floating position, and

(C) The fuel system is filled to the capacity marked on the tank label under § 183.514(b)(3).

(c) Each hose must be secured by:

- (1) A swaged sleeve;
- (2) A sleeve and threaded insert; or
- (3) A hose clamp.

(d) The inside diameter of a hose must not exceed the actual minor outside diameter of the connecting spud, pipe, or fitting by more than the distance shown in Table 8.

TABLE 8

If minor outside diameter of the connecting spud, pipe, or fitting is—	The inside diameter of the hose must not exceed the minor outside diameter of the connecting spud, pipe, or hose fitting by more than the following distance:
Less than $\frac{1}{8}$ in.	0.020 in.
$\frac{1}{8}$ in. to 1 in.	0.035 in.
Greater than 1 in.	0.065 in.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 85-098, 52 FR 19728, May 27, 1987]

§ 183.560 Hose clamps: Installation.

Each hose clamp on a hose from the fuel tank to the fuel inlet connection on the engine, a hose between the fuel pump and the carburetor, or a vent line must:

- (a) Be used with hose designed for clamps;
- (b) [Reserved]
- (c) Be beyond the bead, flare, or over the serrations of the mating spud, pipe, or hose fitting; and
- (d) Not depend solely on the spring tension of the clamp for compressive force.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55737, Dec. 15, 1983]

§ 183.562 Metallic fuel lines.

(a) Each metallic fuel line that is mounted to the boat structure must be connected to the engine by a flexible fuel line.

(b) Each metallic fuel line must be attached to the boat's structure within four inches of its connection to a flexible fuel line.

§ 183.564 Fuel tank fill system.

(a) Each fuel fill opening must be located so that a gasoline overflow of up to five gallons per minute for at least five seconds will not enter the boat when the boat is in its static floating position.

(b) Each hose in the tank fill system must be secured to a pipe, spud, or hose fitting by:

- (1) A swaged sleeve;
- (2) A sleeve and threaded insert; or
- (3) Two adjacent metallic hose clamps that do not depend solely on the spring tension of the clamps for compressive force.

(c) Each hose clamp in the tank fill system must be used with a hose designed for clamps.

(d) Hose clamps used in the tank fill system must:

- (1) Have a minimum nominal band width of at least one-half inch; and
- (2) Be over the hose and the spud, pipe, or hose fitting.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55737, Dec. 15, 1983]

§ 183.566 Fuel pumps: Placement.

Each fuel pump must be on the engine it serves or within 12 inches of the engine, unless it is a fuel pump used to transfer fuel between tanks.

§ 183.568 Anti-siphon protection.

Each fuel line from the fuel tank to the fuel inlet connection on the carburetor must:

- (a) Be above the level of the tank top; or
- (b) Have an anti-siphon device or an electrically operated fuel stop valve:

- (1) At the tank withdrawal fitting; or
- (2) Installed so the line from the fuel tank is above the top of the tank; or

(c) Provided that the fuel tank top is below the level of the carburetor inlet, be metallic fuel lines meeting the construction requirements of § 183.538 or "USCG Type A1" hose, with one or two manual shutoff valves installed as follows:

- (1) Directly at the fuel tank connection arranged to be readily accessible

§ 183.570

for operation from outside of the compartment, and

(2) If the length of fuel line from the tank outlet to the engine inlet is greater than 12 feet, a manual shutoff valve shall be installed at the fuel inlet connection to the engine.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55737, Dec. 15, 1983; CGD 85-098, 52 FR 19729, May 27, 1987]

§ 183.570 Fuel filters and strainers: Installation.

Each fuel filter and strainer must be supported on the engine or boat structure independent from its fuel line connections, unless the fuel filter or strainer is inside a fuel tank.

§ 183.572 Grounding.

Each metallic component of the fuel fill system and fuel tank which is in contact with fuel must be statically grounded so that the resistance between the ground and each metallic component of the fuel fill system and fuel tank is less than 100 ohms.

TESTS

§ 183.580 Static pressure test for fuel tanks.

A fuel tank is tested by performing the following procedures in the following order:

(a) Fill the tank with air or inert gas to the pressure marked on the tank label under § 183.514(b)(5).

(b) Examine each tank fitting and seam for leaks using a leak detection method other than the pressure drop method.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 81-092, 48 FR 55737, Dec. 15, 1983]

§ 183.584 Shock test.

A fuel is tested by performing the following procedures in the following order:

(a) Perform the static pressure test under § 183.580.

(b) If the tank is non-metallic, fill it to capacity with a gasoline that has at least a 50 percent aromatic content. Keep the fuel in the tank at 21° C or higher for 30 days prior to testing.

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(c) Mount the tank to the platform of an impact test machine.

(d) Fill the tank to capacity with water.

(e) Apply one of the following accelerations within three inches of the center of the horizontal mounting surface of the tank. The duration of each vertical acceleration pulse is measured at the base of the shock envelope.

(1) If the tank is not labeled under § 183.514(b)(8) for installation aft of the half length of the boat, apply 1000 cycles of 25g vertical accelerations at a rate of 80 cycles or less per minute. The duration of the acceleration pulse must be between 6 and 14 milliseconds.

(2) If the tank is manufactured for installation with its center of gravity aft of the half length of the boat, apply 1000 cycles of 15g vertical accelerations at a rate of 80 cycles or less per minute. The duration of the shock pulse must be between 6 and 14 milliseconds.

(f) Perform the static pressure test under § 183.580.

§ 183.586 Pressure impulse test.

A fuel tank is tested by performing the following procedures in the following order:

(a) Perform the static pressure test under § 183.580.

(b) If the tank is non-metallic, fill it to capacity with a gasoline that has at least a 50 percent aromatic content. Keep the fuel in the tank at 21° C or higher for 30 days prior to testing.

(c) Mount the tank on a test platform.

(d) Fill the tank to capacity with water.

(e) Cap and seal each opening in the tank.

(f) Apply 25,000 cycles of pressure impulse at the rate of no more than 15 impulses per minute varying from zero to three PSIG to zero inside the tank top from a regulated source of air, inert gas, or water.

(g) Perform the static pressure test under § 183.580.

§ 183.588 Slosh test.

A fuel tank is tested by performing the following procedures in the following order:

(a) Perform the static pressure test under § 183.580.

(b) Perform the pressure impulse test under § 183.586.

(c) Secure the tank to the platform of a tank rocker assembly.

(d) Fill the tank to one-half capacity with water.

(e) Cap and seal each opening in the tank.

(f) Apply 500,000 cycles or rocking motion 15 degree to each side of the tank centerline at the rate of 15 to 20 cycles a minute. The axis of rotation of the rocker and fuel tank must be perpendicular to the centerline of the tank length at a level six inches or less above or below the tank's bottom.

(g) Perform the static pressure test under § 183.580.

§ 183.590 Fire test.

(a) A piece of equipment is tested under the following conditions and procedures:

(1) Fuel stop valves, "USCG Type A1" or USCG Type A2" hoses and hose clamps are tested in a fire chamber.

(2) Fuel filters, strainers, and pumps are tested in a fire chamber or as installed on the engine in the boat.

(3) Fuel tanks must be tested filled with fuel to one-fourth the capacity marked on the tank in a fire chamber or in an actual or simulated hull section.

(b) Each fire test is conducted with free burning heptane and the component must be subjected to a flame for 2½ minutes.

(c) If the component is tested in a fire chamber:

(1) The temperature within one inch of the component must be at least 648° C sometime during the 2½ minute test;

(2) The surface of the heptane must be 8 to 10 inches below the component being tested; and

(3) The heptane must be in a container that is large enough to permit the perimeter of the top surface of the heptane to extend beyond the vertical projection of the perimeter of the component being tested.

(d) If the component is being tested as installed on an engine, heptane sufficient to burn 2½ minutes must be

poured over the component and allowed to run into a flat bottomed pan under the engine. The pan must be large enough to permit the perimeter of the top surface of the heptane to extend beyond the vertical projection of the perimeter of the engine.

(e) If a fuel tank is being tested in an actual or simulated hull section, the actual or simulated hull section must be of sufficient size to contain enough heptane to burn for 2½ minutes in a place adjacent to the tank.

[CGD 74-209, 42 FR 5950, Jan. 31, 1977, as amended by CGD 77-98, 42 FR 36253, July 14, 1977; CGD 85-098, 52 FR 19729, May 27, 1987]

Subpart K—Ventilation

SOURCE: CGD 76-082, 44 FR 73027, Dec. 17, 1979, unless otherwise noted.

§ 183.601 Applicability.

This subpart applies to all boats that:

(a) Have gasoline engines for electrical generation, mechanical power, or propulsion; and

(b) Are built after July 31, 1980, except that a manufacturer may elect to comply with this subpart at any time after July 31, 1978.

§ 183.605 Definitions.

As used in this subpart:

"Fuel" means gasoline.

"Open to the atmosphere" means a compartment that has at least 15 square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume.

[CGD 76-082, 44 FR 73027, Dec. 17, 1979, as amended by CGD 85-098, 52 FR 19729, May 27, 1987]

§ 183.607 Incorporation by reference.

(a) The following standards are incorporated by reference. Copies may be obtained from the sources indicated. They are also available for inspection at Coast Guard Headquarters, Room 4210, 2100 Second Street, SW., Washington, DC 20593 and at the Office of the Federal Register Library, Room 8401, 1100 L Street, NW., Washington, DC 20408.

(1) AMCA Standard 210-74, Figure 12, Air Moving and Conditioning Association, 30 West University Drive, Arlington Heights, Illinois 60004.

(2) ASTM Standard D-471, American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(3) UL Standard 1128, Underwriters Laboratories, Incorporated, 207 Ohio Street, Chicago, Illinois 60611.

(b) The Director of the Federal Register approved the incorporation by reference in paragraph (a)(2) on September 26, 1976 and the incorporations in paragraphs (a) (1) and (3) on March 24, 1978.

[CGD 76-062, 44 FR 73027, Dec. 17, 1979, as amended by CGD 82-010, 48 FR 8273, Feb. 28, 1983]

§ 183.610 Powered ventilation system.

(a) Each compartment in a boat that has a permanently installed gasoline engine with a cranking motor must:

- (1) Be open to the atmosphere, or
- (2) Be ventilated by an exhaust blower system.

(b) Each exhaust blower or combination of blowers must be rated at an air flow capacity not less than that computed by the formulas given in Table 183.610, Column 2. Blower rating must be determined according to AMCA Standard 210-74, Figure 12, or UL Standard 1128.

TABLE 183.610

Col. 1 ^a	Col. 2 ^a	Col. 3 ^a
Below 34.....	Fr=50.....	Fo=20.....
34 to 100.....	Fr=1.5V.....	Fo=0.6V.....
Over 100.....	Fr=V/2+100.....	Fo=0.2V+40.....

^a Net compartment volume of engine compartment and compartments open thereto (V) cubic feet.

^b Rated blower capacity (Fr) cubic feet per minute.

^c Blower system output (Fo) cubic feet per minute.

(c) Each exhaust blower system required by paragraph (a)(2) of this section must exhaust air from the boat at a rate which meets the requirements of Table 183.610, Column 3 when the engine is not operating.

(d) Each intake duct for an exhaust blower must be in the lower one-third of the compartment and above the normal level of accumulated bilge water.

(e) More than one exhaust blower may be used in combination to meet the requirements of this section.

(f) Each boat that is required to have an exhaust blower must have a label that:

- (1) Is located as close as practicable to each ignition switch;
- (2) Is in plain view of the operator; and
- (3) Has at least the following information:

WARNING—GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE OPERATE BLOWER FOR 4 MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS.

§ 183.620 Natural ventilation system.

(a) Except for compartments open to the atmosphere, a natural ventilation system that meets the requirements of § 183.630 must be provided for each compartment in a boat that:

(1) Contains a permanently installed gasoline engine;

(2) Has openings between it and a compartment that requires ventilation, where the aggregate area of those openings exceeds 2 percent of the area between the compartments, except as provided in paragraph (c) of this section;

(3) Contains a permanently installed fuel tank and an electrical component that is not ignition protected in accordance with § 183.410(a);

(4) Contains a fuel tank that vents into that compartment; or

(5) Contains a non-metallic fuel tank:

(i) With an aggregate permeability rate exceeding 1.2 grams of fuel loss in 24 hours per cubic foot of net compartment volume, or

(ii) If the net compartment volume is less than one cubic foot, having a permeability rate exceeding 1.2 grams of fuel loss in 24 hours.

Reference fuel "C" at 40 degrees Celsius plus or minus 2 degrees Celsius from ASTM standard D-471-1979 is to be used in determining the permeability rate.

(b) Each supply opening required in § 183.630 must be located on the exterior surface of the boat.

(c) An accommodation compartment above a compartment requiring ventilation that is separated from the compartment requiring ventilation by a deck or other structure is excepted from paragraph (a)(2) of this section.

[CGD 76-082, 44 FR 73027, Dec. 17, 1979, as amended by CGD 76-082(a), 46 FR 27645, May 21, 1981; CGD 85-059, 51 FR 37577, Oct. 23, 1986]

§ 183.630 Standards for natural ventilation.

(a) For the purpose of § 183.620, "natural ventilation" means an airflow in a compartment in a boat achieved by having:

(1) A supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere; and

(2) An exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere.

(b) Each exhaust opening or exhaust duct must originate in the lower third of the compartment.

(c) Each supply opening or supply duct and each exhaust opening or exhaust duct in a compartment must be above the normal accumulation of bilge water.

(d) Except as provided in paragraph (e) of this section, supply openings or supply ducts and exhaust openings or exhaust ducts must each have a minimum aggregate internal cross-sectional area calculated as follows:

$$A = 5 \ln (V/5);$$

where:

(1) A is the minimum aggregate internal cross-sectional area of the openings or ducts in square inches;

(2) V is the net compartment volume in cubic feet, including the net volume of other compartments connected by openings that exceed 2 percent of the area between the compartments; and

(3) $\ln (V/5)$ is the natural logarithm of the quantity $(V/5)$.

(e) The minimum internal cross-sectional area of each supply opening or duct and exhaust opening or duct must exceed 3.0 square inches.

(f) The minimum internal cross-sectional area of terminal fittings for flexible ventilation ducts installed to meet the requirements of paragraph (d) of this section must not be less

than 80 percent of the required internal cross-sectional area of the flexible ventilation duct.

[CGD 76-082, 44 FR 73027, Dec. 17, 1979; 45 FR 7544, Feb. 4, 1980]

Subpart L—Start-in-Gear Protection

SOURCE: CGD 79-137, 46 FR 3515, Jan. 15, 1981, unless otherwise noted.

§ 183.701 Applicability.

This subpart applies to outboard motors and starting controls manufactured after August 1, 1982, and to manufacturers, distributors or dealers installing such equipment after that date.

§ 183.705 Definitions.

For the purposes of this subpart:

(a) "Outboard motor" means a self-contained propulsion system of any horsepower rating designed to be installed on, and removable from the transom of a boat.

(b) "Static thrust" means the forward or backward thrust developed by an outboard motor and associated propulsion unit while stationary.

(c) "Starting control" means the motor throttle, shift and starting control mechanisms located at a position remote from the outboard motor.

(d) "Local starting" means operating a mechanical or electrical starting device built into the outboard motor.

(e) "Distributor" means any person engaged in the sale and distribution of boats or associated equipment for the purpose of resale.

(f) "Dealer" means any person who is engaged in the sale and distribution of boats or associated equipment to purchasers who the seller in good faith believes to be purchasing any such boat or associated equipment for purposes other than resale.

§ 183.710 Start-in-gear protection required.

(a) Any outboard motor which is capable of developing a static thrust of 115 pounds or more at any motor operating speed with any propeller or jet attachment recommended for or shipped with the motor by the manufacturer, must be equipped with a

device to prevent the motor being started when controls are set so as to attain that thrust level, as follows:

(1) Outboard motors designed for local starting must have a built-in start-in-gear protection device.

(2) Outboard motors designed for remote starting must have either a built-in start-in-gear protection device or be installed with remote starting controls containing this device. An outboard motor designed for remote starting that does not have a built-in start-in-gear protection device must, at the time of sale, have a tag or label attached at the location of the control connection, containing the following information: "Starting controls installed with this motor must comply with USCG requirements for start-in-gear protection in 33 CFR Part 183, Subpart L." The letters and numbers on the tag or label must be at least 1/4 inch high.

(b) Starting controls must have a tag or label with the following information to indicate whether or not they have been equipped with a start-in-gear protection device: "This control will (or will not) provide start-in-gear protection meeting USCG requirements of 33 CFR Part 183, Subpart L." The letters and numbers on the tag or label must be at least 1/4 inch high.

(c) Any manufacturer, distributor or dealer installing an outboard motor displaying the label described in paragraph (a)(2) of this section must properly match it with a compatible starting control that contains a start-in-gear protection device.

§ 183.715 Exception.

Outboard motors designed to be equipped for remote starting, but which also have a provision for local starting in emergencies, need not comply with § 183.710 for their local starting system. However, the following information must be displayed on the motor: "Warning—Ensure shift control is in neutral before starting motor". This information must be

clearly visible to a person using the emergency starting device.

Subpart M—[Reserved]

Subpart N—Special Provisions

§ 183.901 Applicability to "OMC Sea Drive" installations.

(a) All provisions in this Part that apply to outboard motors shall apply to the Outboard Marine Corporation's "OMC Sea Drive" power system, and all provisions in this Part that apply to outboard motor boats shall apply to any boat on which the "OMC Sea Drive" is installed, except:

(1) The requirement for display of maximum horsepower capacity under § 183.23. However, the manufacturer may display it or substitute "OMC Sea Drive, Model XXX" for the marking "XXX Horsepower, motor" prescribed in § 183.25(b)(1).

(2) The marking of "XXX Pounds, persons, motor, gear" prescribed in § 183.25(b)(1) may be replaced by "XXX Pounds, persons, gear", provided that the weight displayed is reduced by the actual weight of the "OMC Sea-Drive" and its related mounting hardware and controls and by the appropriate battery weight listed in columns 3 of Table 4 in this Part.

(3) The requirement for using motor and control weights listed in any table in this Part for calculating persons capacity under § 183.41, or for performing preconditioning for the test under § 183.220. The actual weight of the "OMC Sea Drive" and its related mounting hardware shall be used instead.

(b) No boat shall be equipped with an "OMC Sea-Drive" that exceeds its horsepower capacity, as determined under § 183.53.

[CGD 81-001, 46 FR 32867, June 25, 1981]

PARTS 184-199—[RESERVED]

FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

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33 CFR CHAPTER I (PARTS 125 TO 199)

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All the following materials are also on file at Coast Guard Headquarters, Room 4407, Trans Point Bldg., 2100 Second St. S.W., Washington, DC 20563.

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30 W. University Dr., Arlington Heights, IL 60004	
210-74 Laboratory Methods of Testing Fans for Ratings	183.5; 183.610
American Bureau of Shipping	
45 Eisenhower Drive, Paramus, NJ 07652	
Rules for Building and Classing Single Point Moorings, 1975	150.405; 149.209
American National Standards Institute	
1430 Broadway, New York, NY 10018	
ANSI 10.14—75 Requirements for Safety Belts, Harnesses, Lanyards, Lifelines, and Drop Lines for Construction and Industrial Use.	140; 142
ANSI A12.1—73 Safety Requirements for Floor and Wall Openings, Railings and Toeboards.	149.441
ANSI A98.1—81 Safety Requirements for Industrial Head Protection	140; 142
ANSI B10.5—77 Steel Pipe Flanges and Flange Fittings	154.500; 155.350; Part 155, Appendix
ANSI B10.24—71 Brass or Bronze Pipe Flanges	154.500
ANSI B10.31—71 Nonferrous Pipe Flanges	154.500; 155.350
ANSI B31.3—76 Chemical Plant and Petroleum Refinery Piping (with 1978 addenda B31.4a).	154.510
ANSI B31.4—74 Liquid Petroleum Transportation Piping Systems (with 1979 addenda B31.4a).	140.205
ANSI Z41.1—72 Requirements for Men's Safety-toe Footwear	150.509
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445 Hoes Lane, Piscataway, NJ 08854	
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Customer Service—Code 1052, 5801 Tabor Ave., Philadelphia, PA 19120

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Radio Technical Commission for Marine Services

P.O. Box 19087, Washington, DC 20036

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400 Commonwealth Dr., Warrendale, PA 15096

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